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FEDERAL REGISTER

VOLUME 8 NUMBER 240

Washington, Friday, December 3, 1943

The President

EXECUTIVE ORDER 9395A

AMENDING EXECUTIVE ORDER NO. 9017 OF JANUARY 12, 1942, TO PROVIDE FOR ALTERNATE PUBLIC MEMBERS OF THE NATIONAL WAR LABOR BOARD

By virtue of the authority vested in me by the Constitution and the statutes of the United States, it is ordered that Executive Order No. 9017 of January 12, 1942, entitled "Establishment of the National War Labor Board,"¹ as amended by Executive Order No. 9038 of January 24, 1942,² be, and it is hereby further amended so as to provide for the appointment by the President, for such periods of service as he may prescribe, of alternate public members of the National War Labor Board: Provided, that not more than four alternate public members shall hold office at any one time. Such alternate public members shall receive salaries at the rate of \$9,000 each per annum, and shall perform such functions as the National War Labor Board may prescribe. When called upon by the Board, they shall sit as voting members of the Board; but not more than four public members, regular or alternate, shall vote in any one case.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
November 20, 1943.

[F. R. Doc. 43-19300; Filed, December 2, 1943;
12:10 p. m.]

EXECUTIVE ORDER 9398

EXTENSION OF TRUST PERIODS ON INDIAN LANDS EXPIRING DURING CALENDAR YEAR 1944

By virtue of the authority vested in me by section 5 of the act of February 8, 1887, 24 Stat. 388, 389, by the act of June 21, 1906, 34 Stat. 325, 326, and by the act of March 2, 1917, 39 Stat. 969, 976, and other applicable provisions of law, it

¹ 7 F. R. 237.

² 7 F. R. 527.

is ordered that the periods of trust applying to Indian lands, whether of a tribal or individual status, which, unless extended, will expire during the calendar year 1944, be, and they are hereby, extended for a further period of twenty-five years from the date on which any such trust would otherwise expire.

This order is not intended to apply to any case in which the Congress has specifically reserved to itself authority to extend the period of trust on tribal or individual Indian lands.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
November 25, 1943.

[F. R. Doc. 43-19225; Filed, December 1, 1943;
2:59 p. m.]

EXECUTIVE ORDER 9399

AUTHORIZING THE SECRETARY OF THE NAVY TO TAKE POSSESSION OF AND OPERATE PART OF THE PLANT AND FACILITIES OF REMINGTON RAND, INC. IN THE TOWN OF SOUTHPORT, COUNTY OF CHEMUNG, STATE OF NEW YORK

WHEREAS Remington Rand, Inc. has entered into a contract for the manufacture of war materials essential to the prosecution of the war by the United States Navy Department and United States War Department and has been provided by the Government with extensive facilities for the performance of said contract; and

WHEREAS it is deemed essential that a part of the plant of Remington Rand, Inc. including such facilities located in the town of Southport, County of Chemung, State of New York, be taken over for use and operation by the United States of America in order that it may be effectively operated in the manufacture of the kind, quality and quantity of such war materials:

NOW, THEREFORE, I, Franklin D. Roosevelt, pursuant to the powers vested in me by the Constitution and laws of the United States, including section 9 of the Selective Training and Service Act of 1940 as amended, as President of

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the United States and Commander in Chief of the Army and Navy of the United States, hereby authorize and direct the Secretary of the Navy immediately to take possession of and operate that part of the plant of Remington Rand, Inc. known as the "N" Division of the Elmira Plant of said Company located in the town of Southport, County of Chemung, State of New York, being the land, buildings, appurtenances and facilities including parking areas referred to and described in a certain contract between the United States (Navy Department) and Remington Rand, Inc. known as contract NOrd (F) 1061, in order to produce effectively essential war materials required by the United States of America and to do all things necessary and incidental to that end.

The Secretary of the Navy may exercise the authority herewith conferred through and with the aid of such person or persons, corporations or instrumentalities as he may designate and may select and hire such employees and agents including a competent civilian adviser on industrial relations, as are necessary to carry out the provisions of this order and in furtherance of the purposes of this order the Secretary of the Navy may exercise any existing contractual or other existing rights of said Company incident to the operation of said "N" Division of said plant and take such other steps as may be necessary or desirable.

Possession of the premises referred to under this order will be terminated by the President within 60 days after he determines that such plant will be operated privately in a manner consistent with the war effort.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
November 25, 1943.

[F. R. Doc. 43-19234; Filed, December 1, 1943; 4:04 p. m.]

Regulations

TITLE 7—AGRICULTURE

Chapter IX—War Food Administrator
(Agricultural Labor)

PART 1106—SALARIES AND WAGES OF AGRICULTURAL LABOR IN THE STATE OF FLORIDA

WORKERS ENGAGED IN HARVESTING OF
CITRUS FRUIT

Correction

In F.R. Doc. 43-18975 appearing on page 16056 of the issue for Saturday, November 27, 1943, the reference in paragraph (d) to "paragraph (c)" should be to "paragraph (e)."

Chapter X—War Food Administration
(Production Orders)

[FPO 9-1]

PART 1220—OILSEEDS

SET ASIDE REQUIREMENTS FOR PROCESSORS

Pursuant to the authority vested in me by Food Production Order No. 9, Revised (8 F.R. 13363), issued on September 30, 1943, and to effectuate the purposes of such order pertaining to set aside requirements for oilseed meal produced by processors, and to secure an equitable distribution of such oilseed meal, it is hereby ordered, as follows:

§ 1220.3 *Set aside requirements for processors of oilseed*—(a) *Amount to be set aside*. Each oilseed processor shall set aside 20 percent of his production of cotton seed, soybean, linseed and peanut oil meal, cake, or pellets (hereinafter called "oilseed meal"), during the calendar month of January 1944, or an amount equal to six times his average daily production during the thirty-day period preceding January 1, 1944, whichever is less. The amount of production upon which the quantity of oilseed meal set aside is based, shall not include any oilseed meal produced for the Commodity Credit Corporation under the provisions of contracts designated "CCC Soybean Form 106, 1943 Crop", and this order shall not apply to oilseed meal produced under such contracts.

(b) *Sale and delivery of oilseed meal set aside*. (1) Oilseed meal set aside pursuant to this order shall not be sold or delivered by any processor except to the holder of a Certificate of Designated Buyer issued by the Agricultural Conservation Committee for the State or county in which the buyer's farm or establishment is located. The certificate shall be in the following form:

CERTIFICATE OF DESIGNATED BUYER

_____ is authorized to purchase and accept delivery of _____ (tons-pounds) of oilseed meal from amounts set aside by _____ of _____

(Name of Processor)

_____, pursuant to _____ (Address of Processor) the order of the Director of Food Production issued December 1, 1943 (FPO 9-1).

(If, for any reason, delivery of oilseed meal cannot be made, this certificate shall be re-

turned by the processor to the issuing Agricultural Conservation Committee with the reasons why delivery was not made.)

_____ Agricultural Conservation Committee of _____ (Address)

By _____, Chairman

Expiration Date _____

(2) Agricultural Conservation Committees may commence issuing Certificates of Designated Buyers during December 1943, and processors may commence delivery of oilseed meal pursuant to such certificates during December 1943. A processor shall be entitled to credit deliveries made in December 1943, against the quantity of oilseed meal which he is required to set aside in January 1944.

(3) A processor may, but shall not be required to deliver any oilseed meal to the holder of any certificate which is presented to such processor after the expiration date of such certificate. Any such certificate received by a processor after the expiration date thereof, or which is otherwise invalid, for which delivery of oilseed meal is not made, shall be returned by the processor to the issuing Agricultural Conservation Committee.

(4) Shipment of any oilseed meal, set aside pursuant to this order, must be made by a processor within seven days of the receipt of any such certificate.

(5) A certificate may be presented by the holder thereof directly to the processor designated thereon, or through any dealer, jobber, or broker, for the purpose of securing delivery of oilseed meal to the person to whom such certificate was issued. The processor who delivers such oilseed meal under a certificate shall file such certificate as required under the provisions of paragraph (c) (2).

(c) *Processors' reports*—(1) *Preliminary report of estimated tonnage to be set aside*. Each processor subject to this order shall report to the Director in writing (or by telegraph), not later than December 10, 1943, the estimated tonnage of each kind of oilseed meal required to be set aside at each plant, indicating also the tonnage which will be available for delivery in the month of December 1943, if any, for credit against such set aside requirement for the month of January 1944. Each processor may also submit such additional information as he deems pertinent to the allocation or distribution of oilseed meal to be set aside under this order.

(2) *Final report of tonnage set aside and deliveries made*. Each processor subject to this order shall report to the Director, not later than February 10, 1944, showing for each plant the total production of each kind of oilseed meal, the tonnage set aside, and the tonnage delivered during the period covered by this order. A separate report shall be filed for each kind of oilseed meal. The report filed shall be in substantially the following form:

_____ Oilseed meal, cake, or pellets (Kind)

Pursuant to the order of the Director of Food Production, issued December 1, 1943 (FPO 9-1), the undersigned certifies that the information given below is a correct statement of the tonnage produced, set aside, and

shipped during the months of December 1943 and January 1944, from the plant located at _____

(City and State)

Tons

Total quantity produced during _____

January 1944 _____

Total quantity set aside for directed shipment _____

Quantity Shipped Under the Set Aside Order _____

Names of States: _____ Tons

Illinois _____

Kentucky _____

Texas _____

etc. _____

Total tonnage shipped under set aside order _____

(Date) _____

(Name of firm)

Certificates of Designated Buyers which have been accepted shall be attached to and made a part of each final report.

(d) *Certificates issued by County Agricultural Conservation Committees*. No county agricultural conservation committee shall issue Certificates of Designated Buyers, unless authorized to do so by its State Agricultural Conservation Committee.

(e) *Communications*. All reports required to be filed hereunder and all communications concerning this order, unless instructions to the contrary are issued, shall be addressed to the Director of Food Production, War Food Administration, Washington 25, D. C., Ref.: FPO No. 9-1.

NOTE: The record keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 176; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FPO 9, Rev., 8 F.R. 13363)

Issued this 1st day of December 1943.

J. B. HUTSON,

Director of Food Production.

[F. R. Doc. 43-19278; Filed December 1, 1943; 5:13 p. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

[T.D. 50974]

PART 19—CUSTOMS WAREHOUSES AND CONTROL OF MERCHANDISE THEREIN

BONDING OF PASTURES FOR WAREHOUSING OF CATTLE OR OTHER ANIMALS DISCONTINUED

NOVEMBER 30, 1943.

Section 19.1 (a) (8 F.R. 8395), Customs Regulations of 1943 (19 CFR 19.1 (a)), is hereby amended by changing the subparagraph relating to customs warehouses of class 4 to read as follows:

Class 4. Bonded yards or sheds for the storage of heavy and bulky imported merchandise; stables, feeding pens, corrals, or other similar buildings or limited enclosures for the storage of imported animals; and tanks for the storage of

imported liquid merchandise in bulk. If the collector deems it necessary, the yards shall be enclosed by substantial fences with entrance and exit gates capable of being secured by customs locks. The inlets and outlets to tanks shall be secured by means of seals or customs locks in combination with steel chains.

(Secs. 555, 556, 557, 560, 561, 624, 46 Stat. 743, 744, 745, 759, 52 Stat. 1077, 1087, 1088; 19 U. S. C. 1555, 1556, 1557, 1560, 1561, 1624)

As a result of this amendment the establishing of pastures as customs warehouses of class 4 for the storage of imported cattle or other animals shall not be permitted as it has become clear that the operation of such pastures cannot be permitted without prejudice to the revenue. The amendment, however, shall not preclude the entry of cattle or other animals for warehousing in suitable stables, feeding pens, corrals, or other similar buildings or limited enclosures which have been or may hereafter be approved by the Bureau of Customs as customs warehouses of class 4.

The foregoing amendment shall be effective thirty days after publication thereof in the weekly Treasury Decisions, but no bonded pastures shall be established during such thirty-day period.

Cattle or other animals entered for warehouse before the effective date of this amendment may remain in the bonded pastures for the statutory warehousing period, but each bonded pasture shall be discontinued by the Bureau of Customs promptly upon the withdrawal of all of the cattle or other animals warehoused therein. Collectors of customs shall notify the Bureau promptly as each bonded pasture becomes free of imported merchandise.

Proprietors of bonded pastures (warehouses of class 4) shall not hereafter be required to execute superseding bonds on the revised customs Form 3581 in accordance with Bureau of Customs Circular Letter No. 2393.

W. R. JOHNSON,
Commissioner of Customs.

Approved:

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 43-19224; Filed, December 1, 1943;
1:19 p. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service

Subchapter A—Bureau of Accounts

PART 212—PAYMENT THROUGH DEPOSITORY BANKS OF FUNDS WITHHELD AS TAXES IN ACCORDANCE WITH THE PROVISIONS OF THE CURRENT TAX PAYMENT ACT OF 1943

MISCELLANEOUS AMENDMENTS

NOVEMBER 30, 1943.

The sixth paragraph of § 212.6 *Accounts, forms, and procedure of depositaries for withheld taxes* of Title 31 of the Code of Federal Regulations (8 F.R.

9046), appearing also as the sixth paragraph of section 7 of Treasury Department Circular No. 714, dated June 25, 1943, as amended, is hereby amended to read as follows:

The original and Federal Reserve Bank copy of each depositary receipt must be signed by an officer or employee duly authorized by the depositary. This signature may be in any one of the following forms: (1) a manual signature of a duly authorized officer or employee followed by the title of such officer or employee; (2) a rubber stamp impression containing the name of the depositary supported by the manual initial of the receipting officer or employee and followed by his official title; (3) a facsimile or rubber stamp impression signature of a duly authorized officer over his official title, supported by the manual initial of such officer or the employee receiving the deposit; or (4) a facsimile or rubber stamp impression signature of a duly authorized employee over his official title, supported by the manual initial of such employee. It is preferable that initials or manual signatures be in ink; however, if made by pencil they will be acceptable.

The fifth paragraph of § 212.7 *Provision for offsetting costs of depositaries for withheld taxes* of Title 31 of the Code of Federal Regulations (8 F.R. 10348), appearing also as the fifth paragraph of section 8 of Treasury Department Circular No. 714, dated June 25, 1943, as amended, is hereby amended to read as follows:

The initial allotment to a depositary for withheld taxes under either of the two alternative methods will be calculated on the basis of the business transacted under this part by the depositary during the calendar month immediately succeeding that in which the depositary was qualified. However, if specifically requested by a depositary, the initial allotment may be made on the basis of the business transacted during the calendar month in which the depositary was qualified. If more than one full calendar month elapses after a bank qualifies as a depositary for withheld taxes before it enters a subscription for the initial allotment, such initial allotment should be calculated on the basis of the average business transacted monthly by the depositary during the preceding full calendar months; however, if the elapsed period is more than six months, the initial allotment will be calculated on the basis of the average business transacted monthly during the six full calendar months preceding the request for the initial allotment. The initial allotment will be made as of the first day of the second calendar month following the close of the period which is used as a basis for determining the amount of such initial allotment. For example, if the business transacted during the period ending November 30, 1943, is to be used as a basis for calculating the initial allotment, such initial allotment will be made as of January 1, 1944.

The sixth paragraph of § 212.7, *Provision for offsetting costs of depositaries for withheld taxes* of Title 31 of the Code

of Federal Regulations (8 F. R. 9046), appearing also as the sixth paragraph of section 8 of Treasury Department Circular No. 714, dated June 25, 1943, as amended, is hereby amended to read as follows:

Appropriate adjustments in allotments will be considered periodically on the basis of fluctuations in the business transacted after the initial allotments are established. The first of such adjustments will be made as of January 1, 1944, on the basis of the average monthly business transacted during the calendar months from the close of the period used for the establishment of the initial allotment to November 30, 1943. Thereafter, appropriate adjustments will be made as of July 1 and January 1 on the basis of the average monthly business transacted during the periods from December 1 to May 31 and June 1 to November 30, respectively; *Provided, however*, That in the case of a depositary which received its initial allotment during such preceding six-month period, the adjustment will be based on the business transacted from the close of the period used in establishing the initial allotment to May 31 or November 30, as the case may be.

[SEAL] D. W. BELL,
Acting Secretary of the Treasury.

[F. R. Doc. 43-19223; Filed, December 1, 1943;
1:19 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 921—ALUMINUM AND MAGNESIUM

[General Preference Order M-1-h as Amended Dec. 2, 1943]

BAUXITE AND ALUMINA

Section 921.10 *General Preference Order M-1-h* is hereby amended to read as follows:

§ 921.10 *General Preference Order M-1-h—(a) Definitions.* For the purposes of this order:

(1) "Bauxite" means rock consisting of a mixture of several minerals in which aluminum is present largely as hydrated oxides.

(2) "Restricted bauxite" means bauxite ores, concentrates, or tailings containing less than 15 percent silica (as analyzed by tri-acid method on a dried basis at 110° C.), including all processed forms of bauxite, such as dried, calcined, sintered, or activated ore.

(3) "Alumina" means any aluminum oxide (unfused) or any hydrate of aluminum.

(b) *Limitation on delivery of and use of restricted bauxite and alumina.* Unless specifically authorized in writing by the War Production Board,

(1) No person shall deliver, and no person shall accept delivery of restricted

bauxite unless it is to be used by the person accepting delivery in the manufacture of alumina or abrasives; and

(2) No person shall deliver, and no person shall accept delivery of, alumina unless it is to be used by the person accepting delivery in the manufacture of aluminum or abrasives.

(c) *Applications for authorization.*
(1) Any person who wishes to be authorized by the War Production Board to accept delivery of restricted bauxite and to use it for any purposes other than the manufacture of alumina or abrasives, or to accept delivery of alumina and to use it for any purpose other than the manufacture of aluminum or abrasives, shall after December 2, 1943, submit his proposed purchase order to the Aluminum and Magnesium Division of the War Production Board, Washington 25, D. C., and one copy thereof so that the War Production Board may retain it. The applicant shall state on this copy of the purchase order or in an accompanying letter, (i) the specific purpose or purposes for which the restricted bauxite or alumina is to be used and (ii) that the amount ordered will, or will not, make his inventory of restricted bauxite or alumina in excess of a 60 day supply at his average rate of consumption during the three calendar months preceding the mailing of the purchase order.

(2) If an application under paragraph (c) (1) is granted by the War Production Board, the original copy of the purchase order will be stamped to show that the application has been granted and will be forwarded to the supplier indicated on the purchase order. This authorization will permit the supplier to make delivery pursuant to the purchase order, and the applicant to accept delivery and to use the material for the purpose or purposes indicated on the copy of the purchase order or accompanying letter. If the application is denied, the purchase order will be returned to the applicant.

(d) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priorities control and may be deprived of priorities assistance.

(e) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

NOTE: The application provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 2d day of December 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-19280; Filed, December 2, 1943;
11:02 a. m.]

PART 1226—GENERAL INDUSTRIAL EQUIPMENT

[General Limitation Order L-193 as Amended
Dec. 2, 1943]

CONVEYING MACHINERY AND MECHANICAL POWER TRANSMISSION EQUIPMENT

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain critical materials, and in the engineering and other facilities, used in the manufacture of conveying machinery and mechanical power transmission equipment, for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1226.52 *General Limitation Order L-193—(a) Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons whether incorporated or not.

(2) "Conveying machinery" means any new machinery (and any important component part thereof) used for the mechanical handling of materials; except (i) belting, (ii) farm machinery, (iii) machinery or parts used on board ship in the operation of any vessel owned or operated by the Army, Navy, Maritime Commission, or War Shipping Administration, or used in the operating of aircraft, tanks, ordnance, or similar combat equipment, (iv) power and hand lift trucks, (v) cranes, hoists and platform elevators, (vi) construction mixers, pavers, graders, drag lines and power shovels, and similar construction machinery, (vii) cars and car dumpers, (viii) steel mill tables, (ix) sintering conveyors, (x) metal pig conveyors, (xi) underground mining machinery including slope conveyors, and (xii) portable conveyors as defined in Limitation Order L-287.

(3) "Mechanical power transmission equipment" means new equipment (and any important component part thereof) of the following kinds (except equipment or parts used in the operation of any vessel owned or operated by the Army, Navy, Maritime Commission, or War Shipping Administration, or used in the operation of aircraft, tanks, ordnance or similar combat equipment):

(i) Open and enclosed gearing for transmitting more than $\frac{1}{4}$ horsepower; except marine propulsion gears, gears manufactured by a person for incorporation into other machinery also produced by him, gears built into turbines, and gears used on household, manually powered, automotive, or farm machinery;

(ii) Mechanical drives and parts thereof for transmitting more than $\frac{1}{4}$ horsepower; except belting, drives manufactured by a person for incorporation into other machinery also produced by him, and drives used on household, manually powered, automotive, or farm machinery.

(4) "Order" includes any arrangement for the delivery of conveying machinery or mechanical power transmission equip-

ment, whether by purchase and sale, lease, rental or otherwise.

(5) [Deleted Oct. 26, 1943]

(6) [Deleted Oct. 26, 1943]

(7) "Manufacture" means fabrication or shop assembly of conveying machinery or mechanical power transmission equipment, or any component part thereof; but does not include the making of engineering drawings, blue prints, designs, estimates, or surveys.

(8) [Deleted Oct. 26, 1943]

(9) "Anti-friction bearings" means all types of ball, needle and roller bearings.

(b) *Restrictions on acceptance of orders.*

(1) [Deleted Oct. 26, 1943]

(2) [Deleted Oct. 26, 1943]

(3) On and after May 15, 1943 no person shall accept any order for any conveying machinery or mechanical power transmission equipment unless the order is rated AA-5 or higher. This restriction shall not apply to orders under which unused machinery or equipment is returned to the person from whom it was purchased.

(4) [Deleted Oct. 26, 1943]

(c) *Restrictions on manufacture and delivery.*

(1) [Deleted Oct. 26, 1943]

(2) Except as otherwise provided in paragraph (c) (3) hereof, on and after October 7, 1942 no person shall manufacture or deliver, and no person shall knowingly accept the delivery of, any conveying machinery or mechanical power transmission equipment, or parts therefor unless such machinery or equipment or parts are manufactured in accordance with the restrictions on the use of materials prescribed in Schedule A hereto: *Provided, however,* That parts fabricated or processed, prior to October 7, 1942 to the point where other use is impracticable, may be used in fulfillment of any order at any time.

(3) The limitations and restrictions of paragraph (c) shall not apply:

(i) To the manufacture or delivery of any conveying machinery or mechanical power transmission equipment in the process of manufacture on October 7, 1942 in fulfillment of any order accepted by the manufacturer prior to August 1, 1942.

(ii) For ninety days following October 7, 1942, to the manufacture or delivery of any conveying machinery or mechanical power transmission equipment in the process of manufacture on October 7, 1942 in fulfillment of any order accepted by the manufacturer on or after August 1, 1942 but prior to October 7, 1942.

(iii) For ninety days following October 7, 1942 to the manufacture or delivery in fulfillment of any order for the use of the Army, Navy, Maritime Commission or War Shipping Administration, to the extent that any applicable specifications of the Army, Navy, Maritime Commission, or War Shipping Administration, require construction, design, or materials not in accordance with the provisions of this order. As used herein, the terms "Army", "Navy", "Maritime Commission" or "War Shipping Administration" shall not include any privately operated plant or shipyard financed by or

controlled by any of those organizations, or operated on a cost-plus-fixed-fee basis. For the purposes of this paragraph (c) an order for machinery or equipment shall be deemed to have been in the process of manufacture on October 7, 1942 only if fabrication or assembly of a component part, in fulfillment of such order and not for inventory or stock, was begun prior to October 7, 1942.

(d) [Deleted Oct. 26, 1943]

(e) [Revoked May 10, 1943]

(f) *Miscellaneous provisions.*

(1) [Deleted Oct. 26, 1943]

(2) [Deleted Oct. 26, 1943]

(3) *Other limitation orders.* Nothing in this order shall be construed to permit any person to sell, deliver, or otherwise transfer, or any manufacturer to purchase, receive delivery of or otherwise acquire any raw materials, semi-processed parts, or finished products in contravention of the terms of any L, M, or R order, or amendments or supplements thereto, or other regulation of the War Production Board effective at the date of any such sale, delivery, or other transfer. Where the limitations imposed by any other L, M or R order are applicable to the subject matter of this order, the most restrictive limitation shall apply, unless otherwise specifically provided herein.

(4) *Violations.* Any person who willfully violates any provision of this order, or who willfully furnishes false information to the War Production Board in connection with this order is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance by the War Production Board.

(5) *Appeals.* Any appeal from the provisions of this order shall be made by filing, with the Field Office of the War Production Board for the District in which is located the plant or branch of the appellant to which the appeal relates, either Form WPB-1477 (formerly PD-500) or a letter in triplicate, referring to the provision appealed from and fully stating the grounds for the appeal.

(6) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, General Industrial Equipment Division, Washington 25, D. C. Ref.: L-193.

Issued this 2d day of December 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A—RESTRICTIONS AND LIMITATIONS ON THE USE OF MATERIALS IN CONVEYING MACHINERY OR MECHANICAL POWER TRANSMISSION EQUIPMENT

(a) As used in this schedule, (1) "alloy steel" and "alloy iron" mean alloy steel and alloy iron as defined in Order M-21-a, as amended and supplemented from time to time; and (2) "line shafting" means any shaft driving two or more machines or any single length or rigidly coupled lengths of

shafting supported by three or more bearings.

(b) *Conveying machinery.* The materials listed below are restricted or prohibited in the construction of conveying machinery, as prescribed below; except as the War Production Board may waive compliance with any such restriction or prohibition, upon application by the manufacturer or purchaser by letter or other communication, setting forth pertinent facts disclosing the necessity for such waiver.

(1) *Bins, bunkers, hoppers and tanks* (when used as part of conveying machinery or equipment). No metal shall be used in bins, hoppers, tanks, or bunkers having a capacity of more than 400 cubic feet level filled, except in clips, gussets, bolts, nuts, screws, lag screws, hinges, tension rods, reinforcing bars or mesh, washers, and hopper bottoms of less than 400 cubic feet capacity. No steel plate of a thickness in excess of $\frac{1}{4}$ inch shall be used in bins, tanks, or hoppers with a capacity of less than 400 cubic feet, level filled. No liner plates of steel shall be used in steel bins, steel tanks, or steel hoppers. Steel liners for wood bins or wood bunkers shall not exceed No. 10 U. S. gage in thickness.

(2) *Conveyors and elevators.* No alloy steel or alloy iron, except Hadfield manganese steel, shall be used for parts of chains (other than chains for the transmission of power), except for (i) pins and bushings in steel conveyor chains or cast sprocket chains, or (ii) chains used in the heat zone of heat treating and metallurgical furnaces, to the extent permitted under Order M-21-g. No bushings other than carbon steel or gray iron shall be inserted in bores of conveyor chain rollers.

(3) *Conveyor and elevator sprockets.* No alloy steel or alloy iron shall be used in chain sprocket wheels, except for sprockets to be used in the heat zone of heat treating and metallurgical furnaces, to the extent permitted under Order M-21-g.

(4) *Conveyor structures.* (i) No metal, except for steel in clips, bearing brackets, gussets, bolts, nuts, screws, lag screws, hinges, tension rods, reinforcing bars, reinforcing mesh, and washers, shall be used in the following structural parts:

(A) Supports for fixed conveyor frames, except supports for gravity, live roll and package conveyors when the height of the support does not exceed 38 inches.

(B) Fixed bulk material belt conveyor frames (including stringers).

(C) Conveyor galleries.

(D) Belt conveyor decking.

(E) Walkways, toe boards, handrails, stairways, and platforms.

(F) Guards or housing used only for protection, except those used for mechanical power transmission drives.

(G) Bucket elevator casings; except corner angle iron for self-supporting casings, and boot lining and loading legs, where such corner angle iron for self-supporting casings and boot lining and loading legs do not exceed $\frac{1}{4}$ inch in thickness, and except also for the repair of such existing casings where any metal part is replaced with a metal part which does not contain metal in a greater amount or in a greater thickness than in the replaced part, and which does not involve the use of alloy steel for the replacement of any carbon steel part or material.

(H) Troughs or trough covers for fixed flight, drag, scraper or screw conveyors; except where liquids or semi-liquids are being conveyed, or where the trough is a structural member of the supporting framework; and except for materials or parts used for repairs to such troughs or trough covers. The above mentioned exception for repairs shall not be construed to permit the replacement of non-

metallic parts with metal parts, the use of steel to a greater extent or with a greater thickness than used in the part being repaired or replaced, or the use of alloy steels for the replacement of carbon steel materials.

(I) Continuous stream, conduit elevator-conveyor casings; except for (1) terminal sections, (2) curved sections, (3) straight casings for carrying strands only, and (4) wearing bars for return strands only: *Provided, however,* That no steel exceeding $\frac{3}{16}$ inch in thickness shall be used in the manufacture of such exempted items (1), (2), (3), and (4). The limitations of this clause (I) shall not apply, however, to replacement parts for the repair of existing casings where a metal part is replaced with a part which does not contain metal in a greater amount or in a greater thickness than in the replaced part, and which does not involve the use of alloy steel for the replacement of any carbon steel part or material.

(ii) Trough linings for fixed conveyors shall not exceed No. 10 U. S. gage in thickness.

(iii) Steel for chutes and spouts shall not exceed $\frac{3}{16}$ inch in thickness.

(iv) No steel liner plates shall be used in steel chutes or steel spouts.

(v) Steel linings for wood chutes or wood spouts shall not exceed No. 10 U. S. gage in thickness.

(vi) No copper bearing sheets or plates shall be used.

(vii) Steel troughing belt carriers and steel return belt idler rolls shall not exceed 5 inches nominal diameter on idlers up to 42 inches; and shall not exceed 6 inches on idlers 42 inches and over; provided that this limitation shall not apply to parts used for repair or replacement purposes.

(c) *Mechanical power transmission equipment.* The materials listed below are restricted or prohibited in the construction of mechanical power transmission equipment as prescribed below; except as the War Production Board may waive compliance with any such restriction or prohibition, upon application by the manufacturer or purchaser by letter or other communication, setting forth pertinent facts disclosing the necessity for such waiver.

(1) *Anti-friction bearings.* (i) Anti-friction bearings shall not be used in hangers, pillow blocks, loose pulleys, and clutch pulleys for line shafting except for the following purposes, as certified by the purchaser:

(A) The reduction or elimination of fire hazards resulting from the combustible nature of the material being processed.

(B) Reduction or elimination of waste due to spoilage.

(C) Reduction of starting or running loads where the use of anti-friction bearings will correct an overload pertaining to the primary source of power.

(D) The repair or replacement of bearings for line shafting: *Provided, however,* That no anti-friction bearings shall be used for repair or replacement purposes for line shafting not previously equipped with such bearings.

The above mentioned certification by the purchaser shall be included in or shall accompany the purchase order, shall be signed by a duly authorized official of the purchaser, and shall be in the following form:

"The undersigned hereby certifies that the anti-friction bearings covered by order ----- (here give

order number or other pertinent description) are for the following purposes as permitted by the provisions of Item (c) (1) of List A to Order L-193:

(here fill in the purposes for which the bearings will be used)

By ----- Company

Such certification shall be deemed a representation to the War Production Board as

well as to the supplier to whom the order is tendered.

(1) No alloy steel or alloy iron shall be used in bearing housings.

(2) *Bearings.* No alloy steel or alloy iron shall be used in base, cap or liner castings for sleeve bearings; or in bearing hangers, base plates, floor stands, or wall brackets for line shafting.

(3) *Chains.* (1) No alloy steel or alloy iron, except Hadfield manganese steel, shall be used in cast sprocket chains.

(1) No alloy steel shall be used in semi-finished or finished roller chain, bushed drive chain, or silent chain except in those parts thereof which the manufacturer made of alloy steel prior to January 21, 1943.

(4) No alloy steel or alloy iron, except Hadfield manganese steel, shall be used in chain sprocket wheels.

(5) *Shafting appliances.* No alloy steel or alloy iron shall be used in the construction of shafting appliances in rigid couplings, collars, or pulleys and sheaves.

(6) *Gears.* No alloy steel or alloy iron shall be used in cast teeth or molded teeth gears and pinions or in gear housings.

(d) *Rust proofing.* No metallic plating or coating shall be used in the rust proofing of conveyor machinery or mechanical power transmission equipment, except that galvanizing may be used to prevent contamination of food or in the case of anchor bolts set in concrete and subject to corrosive chemical action.

[F. R. Doc. 43-19281; Filed, December 2, 1943; 11:02 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 5, Direction 14]

USE OF MRO SYMBOL BY MANUFACTURERS OF ROLL ROOFING, SHINGLES AND CORK BOARD

The following direction is issued pursuant to CMP Regulation 5:

(a) A manufacturer of asphalt shingles, asphalt roll roofing, asphalt siding, asbestos shingles, asbestos siding, or cork board may use the MRO symbol to buy steel nails which he will deliver along with such products for use in applying them. The use of the MRO symbol for this purpose is limited to orders calling for delivery of steel nails to the manufacturer after December 31, 1943. He may not use the MRO symbol to buy more steel nails than needed to apply the asphalt shingles, asphalt roll roofing, asphalt siding, asbestos shingles, asbestos siding or cork board with which he delivers them, and he must not increase the quantity of steel nails delivered with any unit of such product over the quantity he delivered with such unit during the year 1943.

(b) A manufacturer buying steel nails under this direction does not have to charge them against his MRO quota.

(c) After December 31, 1943, a manufacturer who can purchase his steel nail requirements under this direction must not get them under Order M-21-b-2 relating to steel warehouses and dealers, or under any other regulation or order. The provisions of Order M-21-b-2 or of CMP Regulation No. 4 shall not apply to such a manufacturer after December 31, 1943, so far as the purchase and sale of steel nails bought under this direction are concerned.

Issued this 2d day of December 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-19282; Filed, December 2, 1943; 11:03 a. m.]

PART 3208—SCHEDULED PRODUCTS

[General Scheduling Order M-293, Table 6 as Amended Dec. 2, 1943]

INDUSTRIAL EQUIPMENT DIVISION

§ 3208.7 Table for General Industrial Equipment Division. (a) The following table is issued pursuant to the provisions of General Scheduling Order M-293: NOTE: Item 6 (a) amended December 2, 1943.

M-293 product	Designation	Applicable forms column 1		
		1	2	3
1. Fans, blowers and exhausters. Any new device or machine which moves, compresses or exhausts air or other gas, by centrifugal, rotary or axial means: except (i) wall type propeller fans having a blade diameter of less than 17 inches; (ii) ceiling, air circulator, desk, wall bracket and portable window fans and pedestal type fans of a portable nature; (iii) fans and blowers manufactured by a person solely for incorporation into other machinery or devices (including pulverizers, stokers, and boilers) also manufactured by him; (iv) propeller type fans for use as a part of internal combustion engines; (v) high pressure blowers in Item 4 of this section:				
a. Axial and propeller fans, including drivers.....	Z	3000.20	-----	-----
b. All other fans coming under the above definition, including drivers, but excluding axial and propeller fans.....	Z	3000.20	-----	-----
2. Conveying machinery and mechanical power transmission equipment (except underground mine equipment, slope conveyors, speed reduction units and unmounted gears as listed under item 2-a and flexible couplings of the types listed under item 2-b):				
a. Speed reduction units and unmounted gears (except main marine propulsion gears, ship engine room auxiliary equipment gears and aircraft engine gears).....	Z	2578 3002.06	-----	-----
b. Flexible couplings (only those types listed below):				
1. Rubber mounted type.....			-----	-----
2. Flexible grid type.....			-----	-----
3. Flexible pin type.....			-----	-----
4. Gear type.....			-----	-----
3. Pumps, industrial (except measuring and dispensing, and reciprocating compressors and dry vacuum pumps):				
a. Pumps, reciprocating (except compressors and dry vacuum pumps).....	Z	3000.01	-----	-----
b. Pumps, centrifugal.....	Z	3000.03	-----	-----
c. Pumps, rotary (including vane, screw, lobe and gear).....	Z	3000.02	-----	-----
d. Fluid power systems (hydraulic).....	Z	3000.14	-----	-----
4. High pressure blowers, compressors, exhausters and vacuum pumps of the rotative type, for pressure differential of 1 1/4 pounds or more: (including diesel superchargers and scavengers and ballast unloading blowers, but excluding Navy high pressure forced draft fans for shipboard use, centrifugal refrigeration compressors, aircraft engine superchargers and rotary vacuum pumps for purely laboratory use only):				
a. Centrifugal type—20 HP and above.....	XYZ	-----	2950	2948
Single stage.....				
Multi stage.....				
Axial flow.....				
Blast furnace.....				
b. Rotary type—20 HP and above.....	XYZ	-----	2950	2948
Lobe.....				
Sliding vane.....				
Liquid piston.....				
c. Major repairs and spares for (a) and (b) having sales value of \$1000.00 or more.....	XY Z	3000.52	2950	2948
d. Rotary and centrifugal—below 20 HP.....				
a. Welding rods and electrodes:				
1. Welding rods for gas welding:				
Bronze welding rods.....	X	-----	3205	-----
b. Electrodes for arc welding:				
Carbon steel electrodes (Flux coated).....	X	-----	3001.10	-----
c. Stainless steel electrodes for armor plate welding.....	X	-----	3001.10	-----
d. Stainless steel electrodes for corrosion and heat resisting.....	X	-----	3001.10	-----
e. Copper base alloy electrodes for resistance welding.....				
5. Motors and generators, electric: Fractional and integral sizes—all types (except internal combustion engine mounted accessories, generators for aircraft, power frequency changers (62 1/2 cycles and below), hydro-electric generators, steam turbine generators, marine auxiliary steam turbine generators, gas turbine generators, steam engine generators, and non-marine diesel engines and natural gas engine generators 750 r. p. m. or less):				
a. Aircraft type electric motors (including gear motors).....	Z Z	1801	-----	-----
b. Integral horsepower motors to meet Navy shock, Maritime shipboard specifications ABS steel or equivalent steel construction, where total backlog of motors and generators combined exceeds 1,000 units.....	XZ	-----	2639	-----
c. Integral generators (except marine auxiliary steam turbine generator sets, and steam engine generator sets) to meet Navy shock, Maritime shipboard specifications, ABS steel or equivalent steel construction, where total backlog of motors and generators combined exceeds 1,000 units.....	XZ	-----	2639	-----
7. Electric motor control equipment—all sizes, types (except for internal combustion engine mounted accessories):				
a. Navy shipboard type.....	Z XZ	3000.05	2663	2663
b. Maritime shipboard type.....	XZ	3000.04	2663	-----
8. Small air circuit breakers types, AB, ET or similar.....				
9. Panel boards—600 volts or less for lighting power distribution, wall mounted type for shipboard use.....				
10. Pressure vessels: Any sealed carbon steel or alloy steel vessel or shell subjected to internal or external pressure designed for the purpose of retaining one or more fluids (liquids, gases or vapors), excluding:				
a. Direct-fired vessels, such as boilers.....				
b. Vessels for containing only water under pressure for domestic supply or those containing air, the compression of which only serves to reduce pulsation or eliminate shock as in air-lift pumping systems.....	XZ	3000.07	2545	-----

¹ A manufacturer of a Class X product must file his shipping schedule on Form WPB 3003, 7401, or on the form shown in Column 2.

A person placing an order for a Class Y product must use the form shown in Column 3 to obtain WPB authorization unless the product is also in Class Z and he is placing the order under paragraph (e) of M-293.

A person placing an order for a Class Z product under paragraph (e) of M-293 must use Form WPB 3003, 3400, or 3401, as specified in the instructions he received, to accompany his purchase order. If the product is also Class Y, he should use that same form to obtain WPB authorization instead of the form shown in Column 3.

M-293 product	Designation	Applicable forms column		
		1	2	3
10. Pressure vessels—Continued.				
c. Vessels for transportation				
d. Vessels of less than 30 cubic feet in volume, regardless of pressure				
e. Vessels designed as heat exchangers of the surface types, or enclosures therefor				
f. Vessels designed for cooking foodstuffs or used directly in preparing foodstuffs for packaging				
g. Field assembled storage vessels such as spheres and spheroids				
11. Compressors: Compressors reciprocating, air and gas, all types and sizes including reciprocating dry vacuum pumps, booster compressors and circulators, except gas compressors designed and constructed specifically for use as part of air conditioning systems, ice making systems, food and beverage cooling, freezing and preservative systems and air compressors as part of air braking systems when fabricated by a manufacturer who currently produces such systems		3000.09	3183	931
a. Any new double-acting compressor as described above	XYZ			
b. Any new, used or reconditioned compressor as described above, having a piston displacement of 50 cubic feet per minute or more, driven by an industrial or automotive type (750 RPM or more) gas, gasoline or Diesel engine	XYZ		3183	931
c. Any new compressor as described above, designed and constructed for operating against a discharge pressure of 1100 lbs. per square inch or more except by any such equipment to be delivered to the United States Navy or Maritime Commission for shipboard use or to any privately owned shipyard or plant for installation in ships built or repaired for the United States Navy or Maritime Commission	XYZ		3183	931
d. Any new single-acting compressor as described above, having a piston displacement of 300 cubic feet per minute or more	XYZ		3183	931
12. Heat Exchangers: Any new equipment or apparatus consisting of an assembly, bundle or nest of one or more bare or finned tubes (metallic or non-metallic) or metal plates, and including any shell or pressure vessel to contain the same, designed for the transfer or exchange of heat between two or more fluids; (liquids, gases or vapors), except the following: (i) Any equipment or apparatus which is direct-fired or installed within a flue gas passage; (ii) Any equipment or apparatus which permits direct contact involving physical mixing of the fluids (other than direct contact boiler feed water heaters); (iii) Any steam surface condenser designed to condense exhaust steam from a prime mover to maintain a minimum exhaust pressure; (iv) Any heat exchanger for use on aircraft; (v) Any radiator-type cooler; (vi) Unit heaters, convectors, unit ventilators, unit coolers and blast coils, if such items are for space heating or cooling or industrial space heating or drying; (vii) Any direct water heater commonly referred to as a storage water heater consisting of a heating element installed in a hot water storage tank for the purpose of heating and storing hot water for any use, and any indirect water heater consisting of a coil or a nest of tubes installed in a shell or pressure vessel having a diameter 12" or less (if other than circular in cross section and internal cross sectional area 113 sq. in. or less), used for the purpose of supplying hot water for a "hot water space heating system"; (viii) Any heat exchanger of a non-metallic construction for use in a chemical experimental laboratory; (ix) Any new heat exchanger equipment when manufactured and delivered by the manufacturer thereof as a necessary integral part of, and together with, other equipment (not heat exchanger) also manufactured by him, or for replacement in equipment so manufactured and delivered				
a. Any heat exchanger incorporating into its construction (other than gaskets and bolting) any metal other than plain carbon steel and cast iron, and which has a sales price of over five hundred dollars (\$500), for any use other than aboard ships	Z	3000.08		
b. Any heat exchanger requiring delivery in less than six months after date of acceptance of the order by the manufacturer, having a sales price of over five hundred dollars (\$500), for any use other than aboard vessels of the United States Navy	Y			1475
	Y			1475

Issued this 2d day of December 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-19283; Filed, December 2, 1943;
11:02 a. m.]

PART 3285—LUMBER AND LUMBER PRODUCTS
[Conservation Order M-361]

SOUTHERN YELLOW PINE

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of Southern yellow pine for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3285.101 Conservation Order No. M-361—(a) Definitions. For the purposes of this order:

(1) "Restricted Southern yellow pine lumber" means any sawed Southern yellow pine lumber (except shingles, lath, or railroad cross-ties) of any size or grade, whether rough, dressed on one or more sides or edges, dressed and matched, shiplapped, worked to pattern, or grooved for splines, manufactured or processed by a producer.

(2) "Producer" means any plant which processes, by sawing, edging, planing or other comparable method 25% or more of the total volume of logs and lumber purchased or received by it, and which sells or otherwise disposes of the product of such processing as lumber; except that "Producer" does not include any sawmill which produced less than

10,000 feet, board measure, of Southern yellow pine lumber per average day of eight hours of continuous operation during the six calendar months preceding the month in which this order takes effect, or which currently so produces on the average less than 10,000 feet, and does not include any establishment known in the trade as a local retail yard whose operations are confined principally to distributing lumber locally and which processes as an incident thereto for the servicing of customers, and does not include any sawmill engaged in local retail distribution in areas not served by retail yards, to the extent that it is so engaged.

(3) "Volume" means board foot volume processed or sold within the six calendar months immediately prior to the month in which the transaction affected by this order occurred.

(4) "Procuring Agency" means the Central Procuring Agency of the Construction Division of the Corps of Engineers of the United States Army.

(b) General restrictions. No producer shall sell, ship or deliver (including delivery by a producer to any distribution yard, box factory or cut-up plant of such producer) any restricted Southern yellow pine lumber except that:

(1) Any producer may sell, ship or deliver (either directly or through one or more intervening persons) any restricted Southern yellow pine lumber to or for the account of the Procuring Agency or to or for the account of any contractor or other person designated by such agency, but only if there is endorsed on the purchase order or contract for such lumber a statement in the following form, signed manually or in the manner provided in Priorities Regulation No. 7:

All restricted Southern yellow pine lumber covered by this purchase order (or contract) is to be sold, shipped or delivered to, or received by, the Central Procuring Agency, Corps of Engineers, or a contractor or other person designated by such Agency on a specific purchase order (or contract) already entered, in compliance with paragraph (b) (1) of Conservation Order No. M-361, with the terms of which I am familiar.

Purchaser

By _____
Title or rank

Date: _____

Provided, however, That when a producer has received written directions from the Procuring Agency to sell, ship or deliver restricted Southern yellow pine lumber to any contractor or other person designated by such Procuring Agency, such producer may comply with such directions and no such endorsed purchase order or contract shall be required from such contractor or other person.

(2) Any producer may sell, ship or deliver (either directly or through one or more intervening persons) any restricted Southern yellow pine lumber to be delivered to or for the account of the

Agencies or Governments specified in paragraphs (b) (1) or (b) (2) of § 944.1, Priorities Regulation No. 1, as amended from time to time, or to or for the account of the contractors or sub-contractors of such Agencies or Governments for use on specific contracts or sub-contracts; or which is to be physically incorporated into material, or used for packing, boxing, crating or stowing for shipment of material, or physically incorporated into production facilities (such as patterns, flasks, forms, jigs, vats, tanks, work tables, work benches or scaffolding) used in the production of any material, which will be delivered to such Agencies or Governments, or to such contractors or sub-contractors for use on specific contracts or sub-contracts; but only if there is endorsed on the purchase order or contract for such restricted Southern yellow pine lumber a statement in the following form signed manually or in the manner provided in Priorities Regulation No. 7:

All restricted Southern yellow pine lumber covered by this purchase order (or contract) is required in order to fill a specific purchase order (or contract) already entered, in compliance with paragraph (b) (2) of Conservation Order No. M-361, with the terms of which I am familiar.

Purchaser
By -----
Title or rank

Date: -----

(3) Any restricted Southern yellow pine lumber which was actually in transit on January 1, 1944 may be delivered to its ultimate destination.

(4) Any producer may sell, ship or deliver restricted Southern yellow pine lumber to any other producer.

(5) Any producer may sell, ship or deliver any restricted Southern yellow pine lumber upon the specific authorization of the War Production Board on Form WPB-2720¹ or upon the direction of the War Production Board pursuant to paragraph (d) of this order. Any person seeking authorization on Form WPB-2720 shall make application on such form in the manner prescribed therein (Copies of Form WPB-2720 may be obtained at local field offices of the War Production Board). Nothing in this order shall be construed to prohibit any person from purchasing restricted Southern yellow pine lumber from a producer subject to authorization on Form WPB-2720 being granted prior to shipment or delivery.

Each endorsement made under the provisions of this order shall constitute a representation to the producer and to the War Production Board that the restricted Southern yellow pine lumber referred to therein will be sold, shipped, delivered or received in accordance with such endorsement.

¹ The use of this Form WPB-2720 has been approved by the Bureau of the Budget in accordance with Federal Reports Act of 1942.

No producer shall make delivery under this order who has reason to believe that the purchaser has furnished a false certification; and no person shall falsely furnish the certification specified above.

Any producer may rely upon the facts furnished in the above mentioned certification and shall not be responsible for any action taken by him under this order in reliance upon inaccurate or untrue statements therein, unless he has reason to believe that such statements are inaccurate or untrue.

(c) *Inventory restriction.* No person may accept delivery of restricted Southern yellow pine lumber if his inventory is or by reason of such acceptance would become in excess of a 90 day supply, except that he may receive the minimum amount necessary to make a minimum carload under applicable regulations, and he may accept any amount he is authorized to accept on Form WPB-2720.

(d) *Allocations.* The War Production Board may, from time to time, allocate specific quantities or percentages of production or shipments by any person of restricted Southern yellow pine lumber, to specified persons or for specified uses. It may also direct the manner and quantities in which delivery shall be made to specified persons or for specified uses (including directions to any person to reserve any part of his production for distribution within specified areas as the War Production Board may direct); and may direct or prohibit the production by any person of particular items of restricted Southern yellow pine lumber. Such allocations and directions will be made to insure the satisfaction of war requirements of the United States, both direct and indirect, and they may be made, in the discretion of the War Production Board, without regard to any preference ratings assigned to particular purchase orders or contracts. The War Production Board may also take into consideration the possible dislocation of labor and the necessity of keeping a plant in operation so that it may be able to fulfill war and essential civilian requirements.

(e) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board as amended from time to time.

(f) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate referring to the particular provision appealed from and stating fully the ground of the appeal.

(g) *Violations.* Any person who willfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using,

material under priority control and may be deprived of priorities assistance.

(h) *Communications.* All communications concerning this order shall be addressed as follows: Lumber and Lumber Products Division, War Production Board, Washington 25, D. C. Ref.: M-361.

This order shall take effect January 1, 1944.

Issued this 2d day of December 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-19284; Filed, December 2, 1943; 11:02 a. m.]

PART 3285—LUMBER AND LUMBER PRODUCTS [Conservation Order M-364]

HARDWOOD LUMBER

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of hardwood lumber for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3285.106 *Conservation Order M-364—(a) Definitions.* For the purposes of this order:

(1) "Restricted hardwood lumber" means any sawed hardwood lumber (except shingles, lath, or railroad cross-ties) of any size or grade, whether rough, dressed on one or more sides or edges, dressed and matched, shiplapped, worked to pattern, or grooved for splines, of the following species: oak, ash, hickory, yellow birch, hard maple, rock elm, and beech, manufactured or processed by a producer.

(2) "Producer" means any plant which processes, by sawing, edging, planing or other comparable method, 25% or more of the total volume of logs and lumber purchased or received by it, and which sells or otherwise disposes of the product of such processing as lumber; except that "producer" does not include any sawmill which produced less than 10,000 feet, board measure, of restricted hardwood lumber per average day of eight hours of continuous operation during the six calendar months preceding the month in which this order takes effect, or which currently so produces on the average less than 10,000 feet, and does not include any establishment known in the trade as a local retail yard whose operations are confined principally to distributing lumber locally and which processes as an incident thereto for the servicing of customers, and does not include any sawmill engaged in local retail distribution in areas not served by retail yards, to the extent that it is so engaged.

(3) "Volume" means board foot volume processed or sold within the six calendar months immediately prior to

the month in which the transaction affected by this order occurred.

(4) "Procuring agency" means the Central Procuring Agency of the Construction Division of the Corps of Engineers of the United States Army.

(b) *General restrictions.* No producer shall sell, ship or deliver (including delivery by a producer to any distribution yard, box factory or cut-up plant of such producer) any restricted hardwood lumber except that:

(1) Any producer may sell, ship or deliver (either directly or through one or more intervening persons) any restricted hardwood lumber to or for the account of the Procuring Agency or to or for the account of any contractor or other person designated by such agency, but only if there is endorsed on the purchase order or contract for such lumber a statement in the following form, signed manually or in the manner provided in Priorities Regulation No. 7:

All restricted hardwood lumber covered by this purchase order (or contract) is to be sold, shipped or delivered to, or received by, the Central Procuring Agency, Corps of Engineers, or a contractor or other person designated by such Agency on a specific purchase order (or contract) already entered, in compliance with paragraph (b) (1) of Conservation Order M-364, with the terms of which I am familiar.

Purchaser
By -----
Title or rank

Date: -----

Provided, however, That when a producer has received written directions from the Procuring Agency to sell, ship or deliver restricted hardwood lumber to any contractor or other person designated by such Procuring Agency, such producer may comply with such directions and no such endorsed purchase order or contract shall be required from such contractor or other person.

(2) Any producer may sell, ship or deliver (either directly or through one or more intervening persons) any restricted hardwood lumber to be delivered to or for the account of the Agencies or Governments specified in paragraphs (b) (1) or (b) (2) of § 944.1, Priorities Regulation No. 1, as amended from time to time, or to or for the account of the contractors or sub-contractors of such Agencies or Governments for use on specific contracts or sub-contracts; or which is to be physically incorporated into material, or used for packing, boxing, crating or stowing for shipment of material, or physically incorporated into production facilities (such as patterns, flasks, forms, jigs, vats, tanks, work tables, work benches or scaffolding) used in the production of any material, which will be delivered to such Agencies or Governments, or to such contractors or sub-contractors for use on specific contracts or sub-contracts; but only if there is endorsed on the purchase order

or contract for such restricted hardwood lumber a statement in the following form signed manually or in the manner provided in Priorities Regulation No. 7:

All restricted hardwood lumber covered by this purchase order (or contract) is required in order to fill a specific purchase order (or contract) already entered, in compliance with paragraph (b) (2) of Conservation Order M-364, with the terms of which I am familiar.

Purchaser
By -----
Title or rank

Date: -----

(3) Any restricted hardwood lumber which was actually in transit on January 1, 1944, may be delivered to its ultimate destination.

(4) Any producer may sell, ship or deliver restricted hardwood lumber to any other producer.

(5) Any producer may sell, ship or deliver any restricted hardwood lumber upon the specific authorization of the War Production Board on Form WPB-2720,¹ or upon the direction of the War Production Board pursuant to paragraph (d) of this order. Any person seeking authorization on Form WPB-2720 shall make application on such form in the manner prescribed therein (Copies of Form WPB-2720 may be obtained at local field offices of the War Production Board). Nothing in this order shall be construed to prohibit any person from purchasing restricted hardwood lumber from a producer subject to authorization on Form WPB-2720 being granted prior to shipment or delivery.

Each endorsement made under the provisions of this order shall constitute a representation to the producer and to the War Production Board that the restricted hardwood lumber referred to therein will be sold, shipped, delivered or received in accordance with such endorsement.

No producer shall make delivery under this order who has reason to believe that the purchaser has furnished a false certification; and no person shall falsely furnish the certification specified above.

Any producer may rely upon the facts furnished in the above mentioned certification and shall not be responsible for any action taken by him under this order in reliance upon inaccurate or untrue statements therein, unless he has reason to believe that such statements are inaccurate or untrue.

(c) *Inventory restrictions.* No person may accept delivery of restricted hardwood lumber if his inventory is, or by reason of such acceptance would become in excess of a 90-day supply, except that he may receive the minimum amount necessary to make a minimum carload under applicable regulations, and he may

¹ The use of this Form WPB-2720 has been approved by the Bureau of the Budget in accordance with Federal Reports Act of 1942.

accept any amount he is authorized to accept on Form WPB-2720.

(d) *Allocations.* The War Production Board may, from time to time, allocate specific quantities or percentages of production or shipments by any person of restricted hardwood lumber, to specified persons or for specified uses. It may also direct the manner and quantities in which delivery shall be made to specified persons or for specified uses (including directions to any person to reserve any part of his production for distribution within specified areas as the War Production Board may direct); and may direct or prohibit the production by any person of particular items of restricted hardwood lumber. Such allocations and directions will be made to insure the satisfaction of war requirements of the United States, both direct and indirect, and they may be made, in the discretion of the War Production Board, without regard to any preference ratings assigned to particular purchase orders or contracts. The War Production Board may also take into consideration the possible dislocation of labor and the necessity of keeping a plant in operation so that it may be able to fulfill war and essential civilian requirements.

(e) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board as amended from time to time.

(f) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate referring to the particular provision appealed from and stating fully the grounds of the appeal.

(g) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(h) *Communications.* All communications concerning this order shall be addressed as follows: Lumber and Lumber Products Division, War Production Board, Washington 25, D. C. Ref.: M-364.

This order shall take effect January 1, 1944.

Issued this 2d day of December 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-19285; Filed, December 2, 1943;
11:02 a. m.]

Chapter XI—Office of Price Administration
PART 1305—ADMINISTRATION
[Gen. RO 7, Amdt. 5]

METHOD OF SURRENDER AND DEPOSIT OF
RATION STAMPS AND COUPONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

A new section 1.9 is added to read as follows:

SEC. 1.9 *Certain persons may get permission to "mix" and "average" stamps.*

—(a) *Who may "mix" and "average" stamps.* (1) A wholesaler or retailer of foods covered by Ration Order 16, or Ration Order 13, who regularly deposits for the credit of his establishment at least 500,000 stamps per week designated for the acquisition either of processed foods or foods covered by Ration Order 16, or both, may apply for permission to "mix" and "average" stamps in accordance with the procedure described in the following paragraphs.

(2) If he has more than one establishment of the same kind which are registered separately, each such establishment must be treated separately for purposes of this section. If he has more than one establishment of the same kind which are registered together, he may apply for permission to mix and average stamps for any one establishment or for one or more groups of these establishments, if he regularly deposits at least 500,000 stamps per week designated for the acquisition either of processed foods or foods covered by Ration Order 16, or both, for the credit of such establishment, or of such group or groups of establishments.

(b) *Where application must be made.* If application is made for a single establishment, the application shall be made to the District Office for the place where such establishment is located. If application is made for one or more groups of establishments which are registered together, separate application shall be made for each group to the District Office for the area where the place described in paragraph (c) (5), at which stamps will be mixed and averaged for the group, is located.

(c) *What application must state.* The application must be made on OPA Form R-315, and must state:

(1) The names and addresses of the establishments which will participate;

(2) Whether they are wholesale or retail establishments;

(3) The smallest number of stamps of the kinds described in paragraph (a) which he deposited for the credit of those establishments in any calendar week since October 1, 1943;

(4) The name and address of the bank with which the ration bank account for the participating establishments will be maintained; and

(5) The address of a place at which the stamps from the establishments covered by the application will be mixed,

enclosed in envelopes, "sampled" (by counting the contents of one envelope in every twenty so prepared), and "averaged" in the way described in paragraph (e) of this section.

(d) *Action by the District Office.* The District Office shall grant the application if it finds that the applicant meets the requirements set forth in paragraph (a).

(e) *How stamps are "averaged" and deposited.* If the District Office grants the application, the applicant may, at the place designated by him in paragraph (c) (5) of this section, mix stamps of different point values used under the same ration order. All stamps must be mixed thoroughly in accordance with instructions given by the District Office which granted the application. The applicant must then enclose such stamps in envelopes in quantities of 5,000 stamps per envelope. (Envelopes containing stamps authorizing the acquisition of foods covered by Ration Order 16 must be kept and handled separately from envelopes containing stamps authorizing the acquisition of processed foods.) One envelope in every twenty or fraction thereof, containing stamps mixed on the same occasion, must be selected at random, in accordance with instructions issued by District Office and the stamps in it separated by denominations and counted so as to determine the actual total point value of the stamps in the envelope. Such actual total point value shall be divided by 5,000 and the resulting average point value shall, for the purposes of deposit, be considered to be the value of each stamp in each of the twenty envelopes or fraction thereof, from which the selected envelope was chosen. However, if more than twenty envelopes containing stamps mixed on any one occasion are to be deposited at one time, the average point value of each stamp shall be computed by taking the average of all the envelopes counted. A ration bank account in which "averaged" stamps will be or have been deposited may not be used for the deposit of stamps which have not been so "averaged". Every establishment for which the procedure described in this section is adopted may, for the purpose of determining the point value of sales or transfers (as required by Ration Orders 13 and 16), assign to each stamp received by it the average point value at which that stamp was deposited.

(f) *What stamps must be "mixed" and "averaged".* All stamps received by any establishment covered by a single application (other than one point stamps designated for the acquisition of foods covered by Ration Order 16 which have been or will be used for change) must be sent by such establishment to the place described in paragraph (c) (5) for "mixing" and "averaging" in accordance with this section.

(g) *Certified public accountant must be engaged to perform certain functions.* All stamps must be mixed, all envelopes must be opened, all stamps must be separated into denominations and counted, and all the computations required by this section must be made, under the direct supervision of a certified public accountant engaged for that purpose by, and at

the expense of, the applicant. Moreover, where any certification is required by this section, the certification must be made both by the certified public accountant, and by the applicant.

(h) *Reports.* Every retailer or wholesaler authorized to adopt the procedure set forth in this section must, within two days after the end of each calendar week, submit a report on OPA Form R-107 to the District Office which granted his application. The report must cover the preceding calendar week, must give all the information called for by the form separately for Ration Order 13 and Ration Order 16 stamps, and must contain a certification that all "mixings", "samplings", computations, and assignments of average point values were made in accordance with this section. The report shall be accompanied by duplicate deposit slips, verified by the bank with which the applicant has his ration bank account, for all deposits made during the week covered by the report. A duplicate copy of each report must be kept at the place designated under paragraph (c) (5).

(i) *Miscellaneous.* Every wholesaler or retailer authorized to adopt the procedure set forth in this section must permit any authorized representative of the Office of Price Administration to inspect or supervise the conduct of any phase of such procedure. Any wholesaler or retailer who has obtained an authorization under this section may, upon notice to the District Office, cease to operate under this section, or the Office of Price Administration may, upon notice to him, withdraw the authorization at any time.

This amendment shall become effective December 1, 1943.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. 1, 7 F.R. 562; Sec. of Agr. Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471; Food Dir. 8, 8 F.R. 7093)

Issued this 1st day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19248; Filed, December 1, 1943;
4:24 p. m.]

PART 1314—RAW MATERIALS FOR SHOES AND
LEATHER PRODUCTS

[RPS 9, Amdt. 7]

HIDES, KIPS AND CALFSKINS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

* 7 F.R. 1227, 2000, 2132, 5706, 8948; 8 F.R. 2997, 11676, 12312, 13513, 15259.

*Copies may be obtained from the Office of Price Administration.

* 8 F.R. 2858, 2997, 4840, 6965.

Revised Price Schedule No. 9 is amended in the following respect:

The effective date of Amendment 3 is hereby postponed from December 1, 1943 to February 1, 1944.

This amendment shall become effective December 1, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19256; Filed, December 1, 1943;
4:25 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 119,¹ Amdt. 7]

ORIGINAL EQUIPMENT TIRES AND TUBES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1315.1451 (i) is amended by substituting in that paragraph the phrase "January 15, 1944" for "December 1, 1943".

This amendment shall become effective December 1, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19250; Filed, December 1, 1943;
4:23 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 415,² Amdt. 4]

CERTAIN FEDERAL GOVERNMENT PURCHASES OF NEW RUBBER TIRES AND TUBES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1 (a) is amended by substituting in that paragraph the phrase "January 15, 1944" for "December 1, 1943".

This amendment shall become effective December 1, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19251; Filed, December 1, 1943;
4:24 p. m.]

*Copies may be obtained from the Office of Price Administration.

¹ 7 F.R. 3509, 8936, 8948; 8 F.R. 3941, 7280, 8751.

² 8 F.R. 8923.

PART 1340—FUEL

[RPS 88,¹ Amdt. 142]

PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Price Schedule No. 88 is amended in the following respects:

1. Section 1340.157 (cc) is added to read as follows:

(cc) Schedule "D" area of Zone 6 of Petroleum Administration for War District 1 covers an area described as follows:

(1) The entire State of West Virginia with the exception of the Counties of:

Berkeley, Grant, Hampshire, Hardy, Jefferson, Mineral, Morgan, Pendleton, Randolph and Tucker.

(2) The following counties in the State of Pennsylvania:

Allegheny, Armstrong, Beaver, Butler, Cameron, Clarion, Clinton, Crawford, Elk, Erie, Fayette, Forest, Greene, Jefferson, Lawrence, McKean, Mercer, Potter, Tioga, Venango, Warren, Washington and Westmoreland.

(3) The following counties in the State of New York:

Allegany, Cattaraugus, Chautauqua, Erie, Niagara and Steuben.

2. Section 1340.159 (b) (12) is amended, by designating the existing paragraph as § 1340.159 (b) (12) (i) and inserting the phrase at the beginning of such paragraph "except as provided in (ii) below".

3. Section 1340.159 (b) (12) (ii) is added to read as follows:

(ii) Effective December 1, 1943, on sales f. o. b. refineries and terminals within Schedule "D" area of Zone 6 of Petroleum Administration for War District 1, as defined in § 1340.157 (cc), for shipment to ultimate destinations in Petroleum Administration for War District 1 outside of such Schedule "D" area, the maximum prices for kerosene, range oil and No. 1 fuel oil shall be the maximum prices as determined under § 1340.159 (b) (1)-(3) plus .3 of a cent per gallon and for all other products listed in (i) above shall be the maximum prices as determined under § 1340.159 (b) (1)-(3). If a seller's maximum price for a sale as described above has been established under § 1340.159 (b) (7), effective December 1, 1943 his maximum price shall be his maximum price prior to December 1, 1943 less 1.5 cents per gallon.

4. Section 1340.159 (c) (2) (ii) is amended by designating the existing paragraph as § 1340.159 (c) (2) (ii) (a) and inserting the phrase at the beginning of such paragraph "except as provided in (b) below".

5. Section 1340.159 (c) (2) (ii) (b) is added to read as follows:

(b) Effective December 1, 1943, on sales f. o. b. refineries and terminals,

¹ 8 F.R. 3718.

within Schedule "D" area of Zone 6, as defined in § 1340.157 (cc), for shipment to ultimate destinations in Petroleum Administration for War District 1 outside of such Schedule "D" area, the maximum prices for gasoline shall be the maximum price as determined under § 1340.159 (b) (1)-(3). If a seller's maximum price for a sale as described above has been established under § 1340.159 (b) (7), effective December 1, 1943 his maximum price shall be his maximum price prior to December 1, 1943 less 1.2 cents per gallon.

6. Section 1340.159 (c) (6) (i) is amended by inserting at the beginning of such subparagraph the phrase at the beginning of such paragraph "except as provided in (ii) below."

7. In § 1340.159 (c) (6) subdivisions (ii), (iii), (iv) are renumbered (iii), (iv), and (v) respectively and a new subdivision to be designated as (ii) is added to read as set forth below:

(ii) Effective December 1, 1943, on sales f. o. b. refineries and terminals within the Schedule "D" area of Zone 6 of Petroleum Administration for War District 1 as defined in § 1340.157 (cc) for shipment to ultimate destinations in Petroleum Administration for War District 1 outside of such Schedule "D" area, the maximum prices for the products designated in (i) above and for the sellers covered by (i) above shall be the maximum prices as determined under § 1340.159 (b) (1)-(3) and (b) (7).

8. Section 1340.159 (c) (6) (iii) is amended by inserting a footnote to Table 1 to read as follows:

On sales f. o. b. refineries and terminals within the Schedule "D" area of Zone 6, as defined in § 1340.157 (cc), for shipment to ultimate destinations in Petroleum Administration for War District 1 outside of such Schedule "D" area the maximum prices shall be the prices designated above less 30 cents per barrel.

This amendment shall become effective December 1, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19255; Filed, December 1, 1943;
4:23 p. m.]

PART 1340—FUEL

[MPR 120,¹ Amdt. 73]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

A statement of the considerations involved in the issuance of this amendment issued simultaneously herewith has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 120 is amended in the following respect:

1. In § 1340.208 (a), new subparagraph (8) is added to read as follows:

¹ 8 F.R. 14560, 15256, 15455, 15456.

(8) Underground mine means a mine that takes its coal entirely from underground seams from which the overburden is not removed and does not include a mine taking any coal from the ground by the stripping method.

2. In § 1340.210 (a), new subparagraphs (12) and (13) are added to read as follows:

(12) Any amounts which by order or amendment are permitted to be added to maximum prices cannot be added to Bituminous Coal Division minimum prices which are higher than maximum prices and which may be charged under § 1340.210 (a) (1) or § 1340.226 (b) (1) (i).

(13) Any purchaser, lessee, or transferee of a mine for which maximum prices or price classifications have been established will take the maximum prices or price classifications previously assigned to the mine or to the seller, lessor, or transferor thereof.

3. In § 1340.212 (b), new subparagraph (6) is added to read as follows:

(6) The prices established by subparagraphs (1), (2), (3), (4) and (5) of this paragraph (b) or by orders issued on or after February 14, 1943 and prior to December 1, 1943 may be increased by no more than 30 cents per ton.

4. In § 1340.213 (b), new subparagraph (6) is added to read as follows:

(6) The prices established by subparagraphs (1), (2), (3), (4) and (5) of this paragraph (b) or by orders issued on or after January 31, 1943 and prior to December 1, 1943 may be increased by no more than 20 cents per ton.

5. In § 1340.214 (b), new subparagraph (5) is added to read as follows:

(5) The prices established by subparagraphs (1), (2), (3) and (4) or by orders issued on or after January 31, 1943 and prior to December 1, 1943 may be increased by no more than 15 cents per ton.

6. In § 1340.215 (b), new subparagraph (5) is added to read as follows:

(5) The prices established by subparagraphs (1), (2), (3) and (4) or by orders issued on or after January 31, 1943 and prior to December 1, 1943 may be increased by no more than 20 cents per ton.

7. In § 1340.216 (b), new subparagraph (5) is added to read as follows:

(5) The prices established by subparagraphs (1), (2), (3) and (4) or by orders issued on or after January 31, 1943 and prior to December 1, 1943 may be increased by no more than 50 cents per ton.

8. In § 1340.217 (b), new subparagraph (5) is added to read as follows:

(5) The prices established by subparagraphs (1), (2), (3) and (4) of this paragraph (b) or by orders issued on or after February 14, 1943 and prior to December 1, 1943 may be increased by no more than 25 cents per ton.

9. In § 1340.218 (b), new subparagraph (10) is added to read as follows:

(10) The prices established by subparagraphs (1) through (9), both inclusive, of this paragraph (b) or by orders issued on or after February 9, 1943 and prior to December 1, 1943 may be increased by no more than 25 cents per ton.

10. In § 1340.219 (b) subparagraph (3) is amended by adding the following proviso: *Provided, however, That Railroad Locomotive Fuel sold to the Georgia Railroad for locomotive fuel may be sold and purchased at no more than maximum prices established under paragraph (b) (1) (i) (b) of this section.*

11. In § 1340.219 (b), new subparagraph (11) is added to read as follows:

(11) The prices established by subparagraphs (1) through (10), both inclusive, of this paragraph (b) by orders relating to the high volatile coals issued on or after February 17, 1943 and prior to December 1, 1943, or orders relating to low volatile coals issued on or after February 9, 1943 and prior to December 1, 1943 may be increased by no more than 20 cents per ton.

12. In § 1340.220 (b) and 1340.221 (b), new subparagraph (5) is added to read as follows:

(5) The prices established by subparagraphs (1), (2), (3) and (4) of this paragraph (b) or by orders issued on or after February 15, 1943 and prior to December 1, 1943 for coals produced at a mine which is either (i) an underground truck mine without a rail siding or connection or (ii) an underground mine loading coal entirely by hand without the aid of any mechanical means such as loading machines or conveyors inside the mine may be increased by no more than 20 cents per ton.

12. In § 1340.222 (b), new subparagraph (5) is added to read as follows:

(5) The prices established by subparagraphs (1), (2), (3) and (4) of this paragraph (b) or by orders issued on or after March 15, 1943 and prior to December 1, 1943 for coals produced at a mine which is either (i) an underground truck mine without a rail siding or connection or (ii) an underground mine loading coal entirely by hand without the aid of any mechanical means such as loading machines or conveyors inside the mine may be increased by no more than 20 cents per ton.

14. In § 1340.223 (b), new subparagraphs (3) and (4) are added to read as follows:

(3) The prices established by subparagraph (1) and (2) of this paragraph (b) or by orders issued prior to December 1, 1943, except Order No. 290, may be increased by no more than 60 cents per ton.

(4) The maximum prices established by Order No. 290 applying to Appanoose County, Iowa, may be increased by no more than 30 cents per ton.

15. In § 1340.224 (b), new subparagraph (13) is added to read as follows:

(13) The prices established by subparagraphs (2), (5), (6), (7) and (10) of this paragraph (b) or by orders issued on or after May 1, 1943 and prior to December 1, 1943 for coals produced at an underground truck mine without a rail siding or connection may be increased by no more than 20 cents per ton. As to all other mines, the prices established by subparagraphs (1) through (12) of this paragraph (b) or by orders issued on or after May 1, 1943 and prior to December 1, 1943 may be increased by no more than 10 cents per ton.

16. In § 1340.225 (b), new subparagraph (5) is added to read as follows:

(5) The prices established by subparagraphs (1), (2), (3) and (4) of this paragraph (b) or by orders issued on or after February 1, 1943 and prior to December 1, 1943 may be increased by no more than 40 cents per ton.

17. In § 1340.226 (b), new subparagraph (6) is added to read as follows:

(6) The prices established by subparagraphs (1) through (5) inclusive, of this paragraph (b) or by orders issued on or after March 10, 1943 and prior to December 1, 1943 for coals produced at an underground mine may be increased by no more than 25 cents per ton.

18. In § 1340.227 (b), new subparagraph (4) is added to read as follows:

(4) The maximum prices established by this paragraph (b) shall be:

(i) Those set forth in subparagraph (1), plus: for Size Group Nos. 1 through 7, a sum not exceeding 45 cents per net ton; for Size Group No. 8, a sum not exceeding 35 cents per net ton and, for Size Group Nos. 9 through 13, 55 cents per net ton.

(ii) Instead of those determined pursuant to subparagraph (2), the applicable effective minimum prices as of April 1, 1942, plus: for Size Group Nos. 1 through 7, a sum not exceeding 75 cents per net ton; for Size Group No. 8, a sum not exceeding 65 cents per net ton and for Size Group Nos. 9 through 13, a sum not exceeding 85 cents per net ton.

(iii) Instead of those determined pursuant to subparagraph (3), the applicable effective minimum prices as of April 1, 1942, plus a sum not exceeding 65 cents per net ton.

19. In § 1340.228 (b) new subparagraph (5) is added to read as follows:

(5) The prices established by subparagraphs (2) and (4) of this paragraph (b) or by orders issued prior to December 1, 1943 for coals produced at an underground truck mine without a rail siding or connection may be increased by no more than 20 cents per ton.

20. In § 1340.229 (b), new subparagraph (4) is added to read as follows:

(4) The maximum prices established by subparagraphs (1), (2) and (3) of

this subparagraph (b) or by orders issued prior to December 1, 1943 may be increased by no more than 50 cents per ton.

21. In § 1340.230 (b), new subparagraph (5) is added to read as follows:

(5) The maximum prices established by subparagraphs (1), (2), (3) and (4) of this paragraph (b) or by orders issued on and after February 15, 1943 and prior to December 1, 1943 may be increased by no more than 20 cents per ton.

22. In § 1340.231 (b), new subparagraph (3) is added to read as follows:

(3) The prices established by subparagraphs (1) and (2) of this paragraph (b) or by orders issued prior to December 1, 1943 may be increased by no more than 10 cents per ton: *Provided, however,* That if the coal is produced at an underground truck mine without a rail siding or connection the prices may be increased by no more than 20 cents per ton.

23. In § 1340.232 (b), new subparagraph (4) is added to read as follows:

(4) The prices established by subparagraphs (1), (2), and (3) of this paragraph (b) or by orders issued prior to December 1, 1943 may be increased by no more than 10 cents per ton: *Provided, however,* That if the coal is produced at an underground truck mine without a rail siding or connection the prices may be increased by no more than 20 cents per ton.

24. In § 1340.233 (b), new subparagraph (4) is added to read as follows:

(4) The prices set forth in subparagraphs (1), (2) and (3) of this paragraph (b) or by orders issued prior to December 1, 1943 may be increased by no more than 35 cents per ton.

This amendment shall become effective November 29, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

(B) GRAPEFRUIT

(Maximum prices in dollars per unit)

State or area	Variety	Seasons all dates inclusive	Standard wooden box					Buce box packed unwrapped 1½ bushel	1½ bushel fiber-board corrugated box	Bags				Bulk 1½ bushel	Maximum price per pound ¹
			Packed wrapped	Packed 2 layers wrapped	Packed unwrapped	Market pack	Loose			1½ bushel	¼ box (¾ bushel)	¼ box (¾ bushel)	10 pound		
1. California, Arizona.	White.....	June 1 to Oct. 31..	\$2.82	\$2.80	\$2.77	\$2.31	\$2.04								
		Nov. 1 to May 31..	2.61	2.59	2.56	2.10	1.83							\$1.89	\$0.03
2. Arizona.....	Pink.....	All.....	2.79	2.77	2.74	2.31	2.11							1.68	.025
														1.96	.03

¹ Maximum price per pound to be used in computing maximum prices for any container not listed in the table above. For any grapefruit which are sold in containers other than those specifically set forth above, the maximum price shall not exceed the bulk price per pound stated above.

² For California, unit of measure is 1½ bushels.

This amendment shall become effective November 30, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 30th day of November 1943.

CHESTER BOWLES,
Administrator.

Approved: November 29, 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-19181; Filed, November 30, 1943; 4:30 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS [RMFR 296]

FLOUR FROM WHEAT, SEMOLINA AND FARINA
SOLD BY MILLERS, BLENDERS, PRIMARY
DISTRIBUTORS AND FLOUR JOBBERS

Maximum Price Regulation No. 296² is redesignated Revised Maximum Price Regulation No. 296 and is revised and amended to read as hereinafter set forth.

In the judgment of the Price Administrator, the maximum prices established by this revised regulation are generally fair and equitable and comply with all the provisions and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and of E.O. 9250 and E.O. 9328.

¹ 8 F.R. 135, 543, 2869, 3367, 6134.

² 8 F.R. 158.

Such specifications and standards as are used in this revised regulation were, prior to such use, in general use in the trade or industry affected or have previously been promulgated and their use lawfully required by another Government agency.

A statement of the considerations involved in the issuance of this revised regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

§ 1351.1651 *Maximum prices for flour from wheat, semolina and farina.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328, Revised Maximum Price Regulation No. 296 (Flour from Wheat, Semolina and Farina sold by Millers, Blenders, Primary Distributors and Flour Jobbers) which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1351.1651 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

REVISED MAXIMUM PRICE REGULATION 296—
FLOUR FROM WHEAT, SEMOLINA AND FARINA
SOLD BY MILLERS, BLENDERS, PRIMARY DISTRIBUTORS AND FLOUR JOBBERS

CONTENTS

- Sec. 1. Maximum prices for flour from wheat, semolina and farina.

*Copies may be obtained from the Office of Price Administration.

Issued this 29th day of November 1943.

JAMES K. BROWNLEE,
Acting Administrator.

[F. R. Doc. 43-19169; Filed, November 30, 1943; 12:05 p. m.]

Part 1351—FOOD AND FOOD PRODUCTS

[MPR 292, Amdt. 7]

SALES OF CITRUS FRUITS BY PACKERS, BROKERS, AUCTION MARKETS, TERMINAL SELLERS AND INTERMEDIATE SELLERS.

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.*

Maximum Price Regulation 292 is amended in the following respects:

In § 1351.1416 Appendix A, Table (b), Grapefruit, Items 1 and 2 are amended to read as follows:

- Sec. 2. Less than maximum prices.
3. Applicability.
4. Adjustable pricing.
5. Evasive practices.
6. Records and reports.
7. Carrying charges.
8. Enforcement.
9. Federal and state taxes.
10. Exempt sales.
11. Petitions for amendment.
12. Adjustments by Administrator or Regional Administrator.
13. Licensing.
14. Notification of change in maximum prices.
15. Moisture basis for protein and ash content calculations.
16. Definitions.

APPENDIX A

I. Maximum prices for bakery flour other than soft wheat bakery flour, packed in 100 pound cotton sacks, in carload quantities, delivered at specified destinations except in Washington, Oregon, Idaho, Utah, Nevada and California.

II. Maximum prices for sales of all bakery flours, packed in 100 pound cotton sacks, in carload quantities, delivered at specified destinations in Washington, Oregon, Idaho, Utah, Nevada and California.

III. Maximum prices for cake flour and other soft wheat bakery flour, packed in 100 pound cotton bags, in carload quantities, delivered at specified destinations.

IV. Maximum prices for semolinas and durum flours in carload quantities.

V. Maximum prices for family flours in carload quantities, packed in 100 pound cotton sacks, delivered at specified destinations.

VI. Maximum prices for family cake flour, and for whole wheat flour, and for farina, enriched and unenriched.

VII. Maximum prices for bakery patent flours, packed in 100 pound cotton bags, in carload quantities, delivered at specified destinations.

VIII. Maximum prices when the buyer supplies containers.

IX. Maximum prices for other shipments or deliveries, including less-than-carload quantities, except in the case of sales at retail.

X. Maximum prices for sales by millers or blenders at retail.

XI. Maximum prices for sales of imported flour from wheat, semolina or farina.

XII. Maximum prices for export sales.

XIII. Maximum prices at non-rail points.

XIV. Selection by buyer of his receiving point.

XV. Maximum prices for sales by persons other than millers, blenders, primary distributors and flour jobbers.

XVI. Conversion to barrel basis and container differentials.

SECTION 1. Maximum prices for flour from wheat, semolina and farina. On and after November 30, regardless of any contract, agreement or other obligation, no miller, blender, primary distributor or flour jobber shall sell or deliver, or agree, offer, solicit or attempt to sell or deliver, and no person shall buy or receive from a miller, blender, primary distributor or flour jobber, flour from wheat, semolina or farina at prices higher than the maximum prices permitted by Appendix A hereof: *Provided*, That any contract entered into while the original Maximum Price Regulation No. 296 was in effect may be performed according to its terms if such contract complies with the provisions of said original Maximum Price Regulation No. 296. Except as otherwise provided herein, the maximum prices herein set forth shall include duties, brokerage, commissions, insurance, handling charges and all other charges and shall not be increased by any charges for the extension of credit.

SEC. 2. Less than maximum prices. Lower prices than those set forth herein may be charged, demanded, paid or offered.

SEC. 3. Applicability. The provisions of this Revised Maximum Price Regulation No. 296 are applicable to the forty-eight states and the District of Columbia and supersede Maximum Price Regulation No. 296 as to all flours mentioned in section 1 hereof.

SEC. 4. Adjustable pricing. Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending; but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by an official of the Office of Price Administra-

tion to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 5. Evasive practices. The provisions of this regulation shall not be evaded, whether by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery, purchase, or receipt of or relating to flour from wheat, semolina and farina alone or in conjunction with any other commodity, or by way of commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying agreement, or other trade understanding or by any other means.

SEC. 6. Records and reports. Every person making a purchase or sale of flour from wheat, semolina or farina in the course of trade or business shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, complete and accurate records for each such purchase and sale, including the date thereof, the names of the seller and purchaser, a description of the commodity sold and the price paid: *Provided*, That in the case of sales of ten hundred weights or less the seller and purchaser shall keep only such records as they customarily kept at the effective date of this regulation.²

SEC. 7. Carrying charges. Carrying charges may be added to the maximum prices for flour from wheat, semolina and farina set forth in Appendix A hereof, other than those maximum prices set forth in paragraph VI of Appendix A. Such carrying charges shall not exceed $\frac{1}{12}$ of a cent per hundredweight per day for each day's delay in shipment beyond 60 days from the date of the contract of sale or beyond the delivery date specified under such contract, whichever is later, which is caused by the failure of the buyer to furnish shipping instructions (and necessary containers, if sale is made on a bulk basis) in accordance with the specifications of the contract of sale.

SEC. 8. Enforcement. Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damages, and proceedings for suspension of licenses, provided for by the Emergency Price Control Act of 1942, as amended.

SEC. 9. Federal and State taxes. Any tax upon, or incident to, the sale, delivery, processing or use of flour from wheat, semolina or farina, imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows in determining the seller's maximum price for such commodity and in preparing the records of such seller with respect thereto: If the statute or ordinance imposing

such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased: *Provided, however*, That the tax on transportation of all property (excepting coal) imposed by section 620 of the Revenue Act of 1942 shall, for purposes of determining the applicable maximum price of any product covered by this Revised Maximum Price Regulation No. 296, be treated as though it were an increase of 3% in the amount charged by every person engaged in the business of transporting property for hire. It shall not be treated as a tax for which a charge may be made in addition to the basic price. Whenever in this Revised Maximum Price Regulation No. 296 a maximum price is determined by adding a transportation charge to a basic price, the transportation charge shall be the charge computed by using the applicable transportation rate and adding thereto 3% of said transportation charge.

SEC. 10. Exempt sales. Whenever circumstances of emergency make the purchase of flour from wheat, semolina or farina by the United States or any of its agencies imperative and it is impossible to secure or unfair to require immediate delivery at the maximum price which would otherwise be applicable, such purchases and deliveries may be made pursuant to the provisions of section 4.3 (f) of Revised Supplementary Regulation No. 1 to the General Maximum Price Regulation.

SEC. 11. Petitions for amendment. Any person seeking a modification of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1³ issued by the Office of Price Administration.

SEC. 12. Adjustments by Administrator or Regional Administrator. The Administrator, or any regional administrator as to delivery points within his region, may make adjustments downward or upward to a maximum of 50 cents per hundredweight in the amounts set forth in paragraphs (2) and (4) of Appendix A IX to be added to the maximum carload prices.

SEC. 13. Licensing. The provisions of Licensing Order No. 1⁴ licensing all persons who make sales under price control are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 14. Notification of change in maximum prices. With the first delivery of any commodity listed in Appendix A hereof, after a miller, or blender changes

²The record keeping provisions of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

³7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11806.

⁴8 F.R. 13240.

a maximum price pursuant to any provision of this regulation he shall:

(a) Supply each wholesaler and retailer subject to the provisions of Maximum Price Regulations Nos. 421, 422 or 423, who purchases from him, with a written notice as set forth below:

(Insert date)

NOTICE TO WHOLESALERS AND RETAILERS

Our OPA ceiling price for (describe item by kind, variety, brand and container type and size) has been changed by the Office of Price Administration. We are authorized to inform you that if you are a wholesaler or retailer pricing this item under Maximum Price Regulation No. 421, 422 or 423 you must refigure your ceiling price for this item on the first delivery of it to you from your customary type of supplier containing this notification on or after (insert date when new price becomes effective). You must refigure your ceiling price following the rules in section 6 of Maximum Price Regulation No. 421, 422 or 423, whichever is applicable to you.

For a period of 60 days after making such change in the maximum price of an item, and with the first shipment after the 60-day period to each person who has not made a purchase within that time, the miller or blender shall place upon or attach to each invoice the written notice set forth above.

(b) Notify each purchaser of the item from him who is a distributor, wholesaler or retailer not subject to Maximum Price Regulations Nos. 421, 422 or 423 of such change in maximum price by the following written notice attached to or written on the invoice issued in connection with his first transaction with such purchaser after the new price becomes effective:

(Insert date)

NOTICE TO DISTRIBUTORS OTHER THAN WHOLESALERS AND RETAILERS

Our OPA ceiling price for (describe item by kind, variety, brand and container type and size) has been changed from \$_____ to \$_____ under the provisions of Revised Maximum Price Regulation No. 296. You are required to notify all wholesalers and retailers for whom you are the customary type of supplier, purchasing the item from you after (insert date when new price becomes effective), of any allowable change in your maximum price. This notice must be made in the manner prescribed in section 14 of Revised Maximum Price Regulation No. 296.

Sec. 15. *Moisture basis for protein and ash content calculations.* Unless otherwise stated all protein and ash limits and determinations are based upon 15.0% moisture content.

Sec. 16. *Definitions.* (a) When used in this regulation the term:

(1) "Person" means an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, any other government or any of its political subdivisions and any agencies of any of the foregoing.

(2) "Miller" means a primary manufacturer of flour from wheat, semolina or farina.

(3) "Blender" means a secondary processor who buys flours from wheat, semolina or farina and repacks them for sale. He may blend these products with

one another and/or with phosphating, enriching and self-rising ingredients.

(4) "Primary distributor" means a person who buys flour from wheat, semolina and farina and resells without additional processing and in the original containers. He delivers to bakers and other commercial, institutional and governmental users in carload quantities and to wholesalers, jobbers and retailer-owned warehouses in both carload and less-than-carload quantities.

(5) "Flour jobber" means a person who buys flour from wheat, semolina and farina and resells without additional processing and in the original containers in less-than-carload quantities to bakers and commercial, institutional or governmental users: *Provided*, That this definition shall not include wholesalers, 50% or more of whose total dollar sales volume is with retail grocery stores.

(6) "Flour from wheat" means: (i) Any product of the milling of wheat, other than durum wheat, whose ash content is not more than the sum of $\frac{1}{20}$ of the percent of protein therein calculated to a moisture-free basis, and 0.35, except that farina shall not be deemed to be flour from wheat, (ii) any product of the milling of durum wheat whose ash content calculated to a moisture-free basis is not more than 1.5%, except that semolina shall not be deemed to be a flour from wheat, (iii) whole wheat flour, (iv) whole durum wheat flour, (v) blends of the foregoing flours from wheat. "Bleached", "bromated", "enriched", "phosphated" and "self-rising" flours shall be considered flour and, in determining whether the ash content of such flours complies with ash requirements as set forth herein, allowances shall be made for the increase in the ash content resulting from the addition of the bleaching, bromating, enriching, phosphating and self-rising ingredients.

(7) "Soft wheat flour" means flour which is milled from soft wheat.

(8) "Cake flour" means a soft wheat flour containing not more than .447% ash calculated to a moisture-free basis (which equals .38% ash calculated to a 15% moisture basis) having a viscosity of not more than 70 degrees (MacMichael) determined by the no-time method and capable of producing satisfactory cake, when mixed with an equal weight of liquid and an equal weight of sugar together with other appropriate ingredients.

(9) "Patent flour" means flour from wheat, except durum wheat, containing not more than .518% ash calculated to a moisture-free basis (which equals .44% ash calculated to a 15% moisture basis).

(10) "Durum fancy patent flour" means flour from wheat which is milled from durum wheat and has a color equal to or better than the color standard generally recognized in the industry as represented by a sample which has been submitted to and accepted by the District Office of the Office of Price Administration at St. Paul, Minnesota.

(11) "Family flour" means flour from wheat which is packed and sold for ultimate use in the home.

(12) "Bakery flour" means flour from wheat, other than flour milled from durum wheat, for use by commercial, institutional or governmental users.

(13) "Farina" means the wheat product of that name conforming to the definition and standard of identity, promulgated by the Federal Security Administrator.

(14) "Family farina" means farina which is packed and sold for ultimate use in the home.

(15) "Semolina" means the durum wheat product of that name conforming to the definition and standard of identity, promulgated by the Federal Security Administrator.

(16) "Fancy semolina" means semolina which conforms to the specification of semolina in all respects and has a color equal to or better than the color standard generally recognized in the industry as represented by a sample which has been submitted to and accepted by the District Office of the Office of Price Administration at Saint Paul, Minnesota.

(17) "Barrel" means a unit of 196 pounds net weight.

(18) "Billing" means freight bills or transit credits representing inbound shipments of grain or grain products duly recorded with railroads or railroad transit bureaus for transit purposes.

(19) "Carload quantity" means a shipment of 40,000 pounds or more.

(20) "Pool car shipment" means a shipment in carload quantity of two or more less-than-carload lots to two or more buyers, combined for the purpose of obtaining the carload rate.

(21) "Mixed car shipment" means a shipment in carload quantity to a single buyer and composed in part of flour and in part of products other than flour.

(22) "Sale at retail" means a sale by a miller, blender, primary distributor or flour jobber to an ultimate consumer except that the following sales shall not be deemed to be sales at retail: (i) Sales in carload quantities, pool cars, or mixed cars and (ii) sales to commercial, institutional and governmental users.

APPENDIX A

1. *Maximum prices for bakery flour other than soft wheat bakery flour, packed in 100 pound cotton sacks, in carload quantities, delivered at specified destinations except in Washington, Oregon, Idaho, Utah, Nevada and California.* (a) At destinations in the territory east of a line drawn along the eastern shore of Lake Michigan starting at the northernmost point of the lower peninsula of Michigan thence southward to the Indiana-Illinois state line, thence southward along such line to the Ohio River and following such river to its junction with the Mississippi River, thence following the Mississippi River southward to the Gulf of Mexico but not including destinations in Louisiana, the maximum prices shall be determined as follows:

1. At destinations in Central Freight Association territory, as covered by Central Freight Association Freight Tariff No. 535 series, and at destinations in New England and Trunk Line Freight Tariff No. 245 series, the maximum prices shall be \$3.34 per hundredweight for such flour with a protein content of 13.5% or less and \$3.54 per hundredweight for such flour of a protein content greater than 13.5%, plus the charge at the

domestic carload proportional all-rail rate from Minneapolis to the destination, applicable on traffic from the Northwest territory.

2. At destinations in Southeastern Freight Association territory and in Carolina rate territory, as covered by Southeastern and Carolina Grain Tariff No. 94 series, and at destinations in Kentucky which are covered by this same tariff, the maximum prices shall be \$3.31 per hundredweight for such flour with a protein content of 13.5% and less and \$3.38 per hundredweight for such flour with a protein content greater than 13.5%, plus the charge at the domestic carload proportional all-rail rate from Kansas City to Louisville or Cincinnati for beyond, and plus the charge at the domestic carload proportional all-rail rate from Louisville or from Cincinnati to the destination, applicable on billing originating in Ohio and Indiana, whichever is lower.

3. At destinations in Mississippi Valley Territory as covered by Mississippi Valley Grain Tariff No. 133 series, except those in Louisiana, the maximum prices shall be \$3.31 per hundredweight for such flour with a protein content of 13.5% or less and \$3.38 per hundredweight for such flour with a protein content greater than 13.5%, plus the charge at the lowest domestic carload proportional all-rail rate from Kansas City, Missouri, to the destination.

(b) At destinations in Oklahoma, the maximum price shall be \$3.32 per hundredweight for such flour with a protein content of 13.5% or less and \$3.39 per hundredweight for such flour with a protein content greater than 13.5%.

(c) At destinations in Texas and Louisiana, the maximum prices shall be \$3.06 per hundredweight for such flour with a protein content of 13.5% or less and \$3.13 per hundredweight for such flour with a protein content greater than 13.5%, plus the charge at the lowest domestic flat carload rail rate from Enid, Oklahoma, to the destination.

(d) At destinations in Missouri, the maximum prices shall be as follows:

1. At destinations to which railroad proportional rates apply from Kansas City, Missouri, the maximum price shall be \$3.31 per hundredweight for such flour with a protein content of 13.5% or less and \$3.38 per hundredweight for such flour with a protein content greater than 13.5%, plus the charge at the lowest carload proportional rail rate from Kansas City, Missouri, to the destination.

2. At destinations to which proportional rates do not apply, the maximum prices shall be \$3.31 per hundredweight for such flour with a protein content of 13.5% or less and \$3.38 per hundredweight for such flour with a protein content greater than 13.5%, plus 5 cents per hundredweight in Group A, 8 cents per hundredweight in Groups B, C, D, and M, 13 cents per hundredweight in Groups E, J, J-1 and K and at Dunn and Cabool. The rate groups referred to are designated in Southwestern Lines Freight Tariff No. 186 series.

(e) At destinations in Arkansas, the maximum prices shall be \$3.31 per hundredweight for such flour with a protein content of 13.5% or less and \$3.38 per hundredweight for such flour with a protein content greater than 13.5%, plus the charge at the lowest carload proportional rail rate from Kansas City, Missouri, to the destination.

(f) At destinations in Kansas, the maximum prices shall be determined as follows:

1. East of a line drawn along the eastern boundaries of Phillips, Rooks, Ellis, Rush, Pawnee, Edwards, Kiowa, and Comanche Counties, except in the following counties—Linn, Anderson, Allen, Bourbon, Crawford, Neosho, Labette, and Cherokee, the maximum prices shall be \$3.31 per hundredweight for such flour with a protein content of 13.5% or less and \$3.38 per hundredweight for such flour with a protein content greater than 13.5%.

2. Within Linn, Anderson, Allen, Bourbon, Crawford, Neosho, Labette and Cherokee Counties, the maximum prices shall be \$3.36 per hundredweight for such flour with a protein content of 13.5% or less and \$3.43 per hundredweight for such flour with a protein content greater than 13.5%.

3. West of the line named in subparagraph 1 hereof, except within Cheyenne, Rawlins and Decatur Counties, the maximum prices shall be \$3.39 for such flour with a protein content of 13.5% or less than \$3.46 per hundredweight for flour with a protein content greater than 13.5%.

4. At destinations within Cheyenne, Rawlins and Decatur Counties, the maximum prices shall be \$3.41 per hundredweight for such flour with a protein content of 13.5% or less and \$3.48 per hundredweight for such flour with a protein content greater than 13.5%.

(g) At destinations in Nebraska, the maximum prices shall be determined as follows:

1. Within the area bounded on the north and west by and including Douglas, Dodge, Colfax, Platte, Boone, Greely, Garfield, Valley, Sherman, Buffalo, Kearney and Franklin Counties, the maximum prices shall be \$3.31 per hundredweight for such flour with a protein content of 13.5% or less and \$3.38 per hundredweight for such flour with a protein content greater than 13.5%.

2. Within the area north of that described in subparagraph 1 hereof, and bounded on the west by and including Boyd and Holt Counties, the maximum prices shall be \$3.36 per hundredweight for such flour with a protein content of 13.5% or less and \$3.43 per hundredweight for such flour with a protein content greater than 13.5%.

3. Within Scottsbluff, Banner, Kimball, Box Butte, Morrill, Cheyenne, and Deuel Counties, the maximum prices shall be \$3.34 per hundredweight for such flour with a protein content of 13.5% or less and \$3.41 per hundredweight for such flour with a protein content greater than 13.5%.

4. Within the remaining counties of the state not included under subparagraphs 1, 2 or 3 hereof, the maximum prices shall be \$3.41 per hundredweight for such flour with a protein content of 13.5% or less and \$3.48 per hundredweight for such flour with a protein content greater than 13.5%.

(h) At destinations in Iowa, the maximum prices shall be \$3.31 per hundredweight for such flour with a protein content of 13.5% or less and \$3.38 per hundredweight for such flour with a protein content greater than 13.5%, plus the charge at the lowest applicable carload proportional rail rate from Omaha, Nebraska to the destination.

(i) At destinations in Minnesota, the maximum prices shall be determined as follows:

1. At destinations within the area bounded on the east and south by the main line of the Minnesota and International Railway Company from International Falls to Brainerd, thence along the line of the Northern Pacific Railway to Minneapolis, thence westerly along the line of the Chicago, Milwaukee, St. Paul and Pacific Railroad to Granite Falls thence southwesterly along the line of the Great Northern Railway Company to the South Dakota border near Jasper, Minnesota, including all points on the lines of the Greater-Northern Railway Company and of the Northern Pacific Railway mentioned above but not including points on the lines of the Minnesota and International Railway and the Chicago, Milwaukee, St. Paul and Pacific Railroad, the maximum prices shall be \$3.34 per hundredweight for such flour with a protein content of 13.5% or less and \$3.54 for such flour with a protein content greater than 13.5%.

2. At destinations outside the area described in subparagraph 1 hereof, the maximum prices shall be \$3.34 per hundredweight for such flour with a protein content of

13.5% or less and \$3.54 per hundredweight for such flour with a protein content greater than 13.5%, plus the charge of the lowest carload intrastate proportional rail rate from Minneapolis to the destination.

(j) At destinations in Wisconsin, Illinois and the northern peninsula of Michigan, the maximum prices shall be \$3.34 per hundredweight for such flour with a protein content of 13.5% or less and \$3.54 per hundredweight for such flour with a protein content greater than 13.5%, plus the charge at the lowest carload proportional rail rate from Minneapolis to the destination.

(k) At destinations in North Dakota, the maximum prices shall be \$3.24 per hundredweight for such flour with a protein content of 13.5% or less and \$3.44 for such flour with a protein content greater than 13.5%.

(l) At destinations in South Dakota, the maximum prices shall be \$3.34 per hundredweight for such flour with a protein content of 13.5% or less and \$3.54 per hundredweight for such flour with a protein content greater than 13.5%.

(m) At destinations in Montana, the maximum prices shall be determined as follows:

1. At destinations in and east of Phillips, Garfield, Rosebud and Powder River Counties, except destinations on the Chicago, Milwaukee, St. Paul and Pacific Railroad in Rosebud and Custer Counties west of Miles City, the maximum price shall be \$3.09 per hundredweight for such flour with a protein content of 13.5% or less and \$3.29 per hundredweight for such flour with a protein content greater than 13.5% plus the charge at the highest carload rail rate on flour, semolina or farina, applicable from Sydney, Montana, to the destination.

2. At destinations west of the territory described in subparagraph 1 hereof, and including stations on the Chicago, Milwaukee, St. Paul and Pacific Railroad in Rosebud and Custer Counties west of Miles City, the maximum prices shall be \$3.02 per hundredweight for such flour with a protein content of 13.5% or less and \$3.22 per hundredweight for such flour with a protein content greater than 13.5%, plus the lowest charge produced by using the highest carload rail rate on flour, semolina or farina, applicable from Great Falls or from Billings, Montana, to the destination.

(n) At destinations in Wyoming, the maximum prices shall be determined as follows:

1. South of the northern boundaries of Teton, Fremont, Natrona, Converse and Niobrara Counties, except in Lincoln and Uinta Counties, the maximum prices shall be \$3.04 per hundredweight for such flour with a protein content of 13.5% or less and \$3.11 per hundredweight for such flour with a protein content greater than 13.5%, plus the charge at the lowest flat carload rail rate from Sterling, Colorado, via Denver to the destination.

2. In Lincoln and Uinta Counties, the maximum prices shall be \$3.38 per hundredweight for such flour with a protein content of 13.5% or less, and \$3.58 per hundredweight for such flour with a protein content greater than 13.5%, plus the charge at the lowest carload transit balance rail rate from Ogden, Utah, to the destination applicable on billing originating at Bancroft, Idaho.

3. North of the line described in subparagraph 1 above, the maximum prices shall be \$2.92 per hundredweight for such flour with a protein content of 13.5% or less and \$3.12 per hundredweight for such flour with a protein content greater than 13.5%, plus the charge at the lowest flat carload rail rate from Billings, Montana, to the destination.

(o) At destinations in Colorado, the maximum prices shall be determined as follows:

1. At destinations in Larimer, Boulder, Adams, Weld, Morgan, Washington, Kit Carson, Yuma, Phillips, Logan and Sedgewick Counties of Colorado, the maximum prices shall be \$3.22 per hundredweight for such

flour with a protein content of 13.5% or less and \$3.29 per hundredweight for such flour with a protein content greater than 13.5%.

2. At destinations in Gilpin, Clear Creek, Moose Lake, Park, Douglas, Elbert, Lincoln, El Paso, Cheyenne, Fremont, Custer, Costilla, Huerfano, Las Animas, Baca, Prowers, Bent, Otero, Pueblo, Crowley and Kiowa Counties of Colorado the maximum prices shall be \$3.27 per hundredweight for such flour with a protein content of 13.5% or less and \$3.34 for such flour with a protein content greater than 13.5%.

3. At all other points, the maximum prices shall be \$3.04 per hundredweight for such flour with a protein content of 13.5% or less and \$3.11 per hundredweight for such flour with a protein content greater than 13.5%, plus the charge at the lowest flat carload rail rate from Sterling, Colorado to the destination.

(p) At destinations in New Mexico and Arizona, the maximum prices shall be determined as follows:

1. In Quay, Debaca, Curry, Roosevelt, Chaves, Lea and Eddy Counties in New Mexico, the maximum prices shall be \$3.06 per hundredweight for such flour with a protein content of 13.5% or less and \$3.13 per hundredweight for such flour with a protein content greater than 13.5%, plus the charge at the lowest flat carload rail rate from Enid, Oklahoma to the destination.

2. At all other destinations in New Mexico and Arizona, the maximum prices shall be \$3.04 per hundredweight for such flour with a protein content of 13.5% or less and \$3.11 per hundredweight for such flour with a protein content greater than 13.5%, plus the charge at the lowest flat carload rail rate from Sterling, Colorado, to the destination.

II. *Maximum prices for sales of all bakery flours packed in 100 pound cotton sacks in carload quantities delivered at specified destinations in Washington, Oregon, Idaho, Utah, Nevada and California.* (a) At destinations in Washington, Oregon and Northern Idaho, the maximum prices shall be determined as follows:

1. West of a line drawn along the line of the Great Northern Railway from the Canadian border through Oroville to, but not including, Trinidad and thence along the west bank of the Columbia River to a point due east of Leslie, thence in a straight line to Leslie, thence in a straight line to Erie, thence in a straight line to Plymouth, thence westerly along the Columbia River to the western boundary of Umatilla County, Oregon, thence southward along the western boundaries of Umatilla, Grant, and Harney Counties to the California border, and including all points on this line, the maximum prices shall be \$3.67 per hundredweight for cake flour, \$2.77 per hundredweight for other bakery flour with a protein content less than 10.0%, \$3.06 per hundredweight for bakery flour with a protein content of 10.0% or greater, but less than 13.5%, and \$3.26 per hundredweight for bakery flour with a protein content of 13.5% or greater, plus the charge at the lowest flat carload rail rate from Spokane, Washington, to the destination.

2. East of a line drawn along the Great Northern Railway from the Canadian border through Oroville to Trinidad, and thence along the East bank of the Columbia River to its junction with the Snake River and thence easterly along the north bank of the Snake River to the Idaho border, and including all points of this line except points west and north of Trinidad on the Great Northern Railway, the maximum prices shall be \$3.83 per hundredweight for cake flour, \$2.93 per hundredweight for other bakery flour with a protein content less than 10.0%, \$3.22 per hundredweight for bakery flour with a protein content of 10.0% or greater, but less than 13.5%, and \$3.42 per hundredweight for bakery flour with a protein content of 13.5% or greater.

3. At destinations in Walla Walla, Columbia, Garfield and Asotin Counties in Washington, the maximum price shall be \$3.87 per hundred weight for cake flour, \$2.97 per hundred weight for other bakery flour with a protein content less than 10.0%, \$3.26 per hundred weight for bakery flour with a protein content of 10.0% or greater, but less than 13.5%, and \$3.46 per hundred weight for bakery flour with a protein content of 13.5% or greater.

4. At destinations in Oregon on and north of the lines of the Union Pacific Railroad from Umatilla through Hinkle, Pendleton, Athena and Freewater to the Washington border, the maximum prices shall be \$3.87 per hundred weight for cake flour, \$2.97 per hundred weight for other bakery flour with a protein content less than 10.0%, \$3.26 per hundred weight for bakery flour with a protein content of 10.0% or greater, but less than 13.5%, and \$3.46 per hundred weight for bakery flour with a protein content of 13.5% or greater.

5. At destinations in Idaho north of the southern boundary of Idaho County, the maximum prices shall be \$3.87 per hundred weight for cake flour, \$2.97 per hundred weight for other bakery flour with a protein content less than 10.0%, \$3.26 per hundred weight for bakery flour with a protein content of 10.0% or greater but less than 13.5%, and \$3.46 per hundred weight for bakery flour with a protein content of 13.5% or greater.

6. At destinations in Oregon in Umatilla County (except that portion described in sub-paragraph 4 hereof), Union, Wallowa and Baker Counties, and at destinations in Grant County on the line of the Sumpter Valley Railroad from Baker to Bates, the maximum prices shall be \$3.67 per hundred weight for cake flour, \$2.77 per hundred weight for other bakery flour with a protein content less than 10.0%, \$3.06 per hundred weight for bakery flour with a protein content of 10.0% or greater, but less than 13.5%, and \$3.26 per hundred weight for bakery flour with a protein content of 13.5% or greater, plus the charge at the lowest flat carload rail rate from Spokane to the destination.

7. At destinations in Oregon in Grant County (except that portion described in sub-paragraph 6 hereof), Harney and Malheur Counties, the maximum prices shall be \$4.00 per hundred weight for cake flour, \$3.10 per hundred weight for other bakery flour with a protein content of less than 10.0%, \$3.38 per hundred weight for bakery flour with a protein content of 10.0% or greater, but less than 13.5%, and \$3.58 per hundred weight for bakery flour with a protein content of 13.5% or greater, plus the charge at the lowest carload transit balance rail rate from Ogden, Utah on billing originating at Bancroft, Idaho.

(b) At destinations in California, the maximum prices shall be \$3.67 per hundred weight for cake flour, \$2.77 per hundred weight for other bakery flour with a protein content less than 10.0%, \$3.06 per hundred weight for bakery flour with a protein content of 10.0% or greater, but less than 13.5%, and \$3.26 per hundred weight for bakery flour with a protein content of 13.5% or greater, plus the charge at the lowest flat carload rail rate from Spokane, Washington to the destination.

(c) At destinations in Idaho south of the southern boundary of Idaho County, and in Utah and Nevada, the maximum prices shall be \$4.00 per hundred weight for cake flour, \$3.10 per hundred weight for other bakery flour with a protein content less than 10.0%, \$3.38 per hundred weight for bakery flour with a protein content of 10.0% or greater, but less than 13.5%, and \$3.58 per hundred weight for bakery flour with a protein content of 13.5% or greater, plus the lower of the charges resulting from the use of the flat carload rail rate from Ogden, Utah to the destination, or the carload transit balance rail rate applicable from Ogden, Utah to the destination, on billing originating at Bancroft, Idaho.

III. *Maximum prices for cake flour and other soft wheat bakery flour packed in 100 pound cotton bags, in carload quantities, delivered at specified destinations.* (a) At destinations in Washington, Oregon, Idaho, Utah, Nevada, and California the maximum prices for (i) cake flour and (ii) other soft wheat bakery flours shall be for (i) the maximum prices computed under the provisions of Appendix A, II (a), (b) and (c) for cake flour and for (ii) the maximum prices computed under the same provisions for other bakery flour with a protein content of less than 10.0%.

(b) At destinations in the following States: Kentucky, Tennessee, Alabama, Mississippi, Georgia, Florida, North Carolina, and South Carolina, the maximum prices for cake flour and other soft wheat bakery flour shall be \$4.72 per hundredweight for cake flour, \$4.13 per hundred weight for other soft wheat bakery flour with an ash content of 41% or less, and \$3.88 per hundred weight for other soft wheat bakery flour with an ash content greater than 41%, plus such one of the following rail charges as results in the lowest delivered price: (i) the lowest carload proportional rail rate from Memphis, Tennessee; Cairo, Illinois; or Evansville, Indiana, to the destination; or (ii) the lowest carload proportional rail rate from Louisville, Kentucky, or Cincinnati, Ohio, to the destination, applicable on billing originating in Ohio and Indiana.

(c) At destination in all states except those mentioned in paragraphs (a) and (b) hereof, the maximum prices shall be computed as follows:

(i) For flour milled in the states of Washington, Oregon, Idaho (north of the southern boundary of Idaho County), Montana, Wyoming, North Dakota, South Dakota, Minnesota, Wisconsin or Iowa, the maximum prices shall be \$3.67 per hundred weight for cake flour and \$2.77 per hundred weight for other soft wheat bakery flour, plus the charge at the lowest flat carload rail rate from Spokane, Washington, to the destination.

(ii) For flour milled in the states of California, Nevada, Utah, Idaho (south of the southern boundary of Idaho County), Colorado, Arizona, and New Mexico, the maximum prices shall be \$4.00 per hundred weight for cake flour and \$3.10 per hundred weight for other soft wheat bakery flour, plus the charge at the lowest flat carload rail rate from Ogden, Utah to the destination.

(iii) For flour milled in any state other than those mentioned in subparagraphs (i) and (ii) hereof, the maximum prices shall be \$4.90 per hundredweight for cake flour and \$4.31 for other soft wheat bakery flour with an ash content of 41% or less, and \$4.06 per hundredweight for other soft wheat bakery flour with an ash content greater than 41%, less the charge at the lowest flat domestic carload rail rate from the milling point to New York City, plus the charge at the lowest flat domestic carload rail rate from the milling point to the destination: *Provided*, That, at or within twenty-five miles of the milling point the maximum price for carload quantities shall be the price obtained by deducting the transportation charge to New York City as directed in this subparagraph (iii) and then adding 10 cents per hundredweight.

IV. *Maximum prices for semolinas and durum flours, in carload quantities.* (a) The maximum prices for semolinas and durum flours, f. o. b. Minneapolis, Minnesota, in carload quantities in buyer's 100 pound sacks shall be as follows:

	Dollars per hundredweight
Fancy semolina.....	\$3.62
Other semolinas.....	3.52
Fancy durum patent flour.....	3.62
Other durum flours.....	3.37

(b) Maximum prices at all destinations except destinations in Washington, Oregon, Idaho, Montana, Utah, Nevada, Arizona and California shall be determined by adding to

the applicable f. o. b. Minneapolis price the charge at the lowest carload domestic proportional rail rate from Minneapolis to the destination.

(c) Maximum prices at points in Washington, Oregon, Idaho, Montana, Utah, Nevada, Arizona and California shall be determined by adding to the applicable f. o. b. Minneapolis price the charge at the lowest carload transit balance rail rate from Minneapolis to the destination payable on billing with a paid-in rate of 14 cents per hundred pounds.

(d) When the seller supplies containers the exact cost of containers may be added to the prices above specified.

(e) If a container size other than 100 pounds is used, a differential may be added to the prices computed in (a), (b), (c) or (d) above at the rate per barrel specified under the heading "Package differentials" in subdivision VIII (d) of this Appendix A.

V. Maximum prices for family flours in carload quantities, packed in 100 pound sacks delivered at specified destinations. The maximum prices for family flour in carload quantities, packed in 100 pound cotton sacks delivered at destinations in the various states and the District of Columbia, shall be as follows:

	Per hundred weight
Colorado, east of the Rocky Mountains	\$3.70
Montana, Wyoming	3.83
Colorado, except east of the Rocky Mountains, Kansas, Nebraska, New Mexico, North Dakota, South Dakota	3.95
Oregon, Washington	4.08
Idaho	4.13
Arizona, Oklahoma & Utah	4.21
Iowa & Missouri	4.29
Texas	4.31
Arkansas, Minnesota	4.34
Illinois	4.39
Indiana, Wisconsin	4.44
Nevada	4.46
Michigan, Ohio	4.49
Delaware, District of Columbia, Maryland, Pennsylvania, and West Virginia	4.59
New Jersey, New York	4.62
The New England States	4.64
California	4.72
Florida, Kentucky, Louisiana, Virginia	5.00
Tennessee	5.13
Alabama, Georgia, Mississippi, South Carolina	5.18
North Carolina	5.23

VI. Maximum prices for family cake flour, and family whole wheat flour, and for family farina, enriched and unenriched. (a) At all destinations, the maximum prices for family cake flour and family whole wheat flour shall be as follows:

(i) When packed 12 2½ pound packages or 24 1½ pound packages to the case, \$2.75 per case.

(ii) When packed in packages containing 5 pounds or less, other than the package and case sizes covered by (i) hereof, 7½ cents per pound plus the cost of packages, labels and shipping containers.

(iii) When packed in packages containing more than 5 pounds, the same as the maximum prices for family flours in like packages as elsewhere set forth in this Appendix A.

(b) At all destinations the maximum prices for family farina, enriched and unenriched, shall be as follows:

	Carlots	Less than carlots
(i) When packed 18 28-ounce packages to the case	\$3.47½	\$3.55
(ii) When packed 24 14-ounce packages to the case	2.70	2.75

(iii) When packed in packages containing 5 pounds or less, other than the package and case sizes provided for under (i) and (ii) hereof, 9½ cents per pound plus the cost of packages, labels and shipping containers.

(iv) When packed in packages containing more than 5 pounds, the same as the maximum prices for family flour in like packages as elsewhere set forth in this Appendix A.

VII. (a) Maximum prices for bakery patent flours packed in 100 pound cotton bags in carload quantities, delivered at specified destinations. Maximum prices for bakery patent flours packed in 100 pound cotton bags, in carload quantities delivered at specified destinations shall be determined by adding 10 cents per hundred weight to the maximum prices as set forth in subdivisions I and II of Appendix A: *Provided*, That no such addition may be made in any case for cake flour or soft wheat flour or in the case of bakery flour with a protein content of less than 10.0%, at destinations in the states of Washington, Oregon, Idaho, Utah, Nevada and California.

(b) Maximum prices for farina, except family farina, delivered at specified destinations. Maximum prices for farina, except family farina, delivered at specified destinations shall be determined by adding 20 cents per hundred weight to the maximum prices for flour from wheat, as otherwise determined in paragraphs I, II, or III of this Appendix A.

(c) Maximum prices for enriched and self-rising flours from wheat and for enriched farina, except enriched family farina in packages containing five pounds or less, delivered at specified destinations. (i) The maximum prices for flour from wheat enriched in accordance with the specifications for enriched flour as provided in subparagraph (a) of § 15.010 of the definition and standard of identity, as now hereafter promulgated by the Federal Security Administrator, delivered at specified destinations shall be the applicable maximum price as set forth in this Appendix A, plus an increase at the rate of 17 cents per hundred weight.

(ii) The maximum prices for flour from wheat enriched in accordance with paragraphs (a), (b), (c), and (d) of § 15.010 of the definition and standard of identity, as now or hereafter promulgated by the Federal Security Administrator delivered at specified destinations shall be the applicable maximum prices as set forth in this Appendix A, plus an increase at the rate of 27 cents per hundred weight.

(iii) The maximum price for farina, except family farina, in packages containing 5 pounds or less, enriched in accordance with the definition and standard of identity promulgated by the Federal Security Administrator, delivered at specified destinations shall be the applicable maximum prices as set forth in this Appendix A, plus an increase at the rate of 27 cents per hundred weight.

(iv) The maximum prices for self-rising flour, which conforms to the definition and standard of identity promulgated by the Federal Security Administrator, delivered at specified destinations, shall be the maximum prices as set forth in this Appendix A, plus 13 cents per hundred weight.

VIII. (a) Maximum prices when the buyer supplies containers. Maximum prices for sales of flour from wheat, or farina in carload quantities delivered at specified destinations in buyer's sacks, shall be the applicable maximum prices as heretofore provided, less 16 cents per hundred weight, plus the appropriate differential set forth in subdivision (d) of this section.

(b) Maximum prices for flour from wheat and farina in containers other than cotton sacks holding 100 pounds. Maximum prices for flour from wheat or farina in containers other than cotton sacks holding 100 pounds, shall be the applicable maximum price as set forth in this Appendix A plus or minus the differentials set forth in paragraph (c) hereof: *Provided*, That family cake flour, family wholewheat flour, and family farina priced in accordance with paragraph VI hereof shall not be subject to this paragraph VIII.

(c) The maximum price per hundred weight in 100 pound cotton sacks may be converted to a maximum price per hundred weight bulk by deducting 16 cents per hundred weight.

(d) Package differentials.

Size (pound)	Container—Kind	Column 1—Seller's packages, charge per cwt. over 100 pound cotton carload price	Column 2—Buyer's packages, charges per cwt. over bulk price
200	Wood or plywood	\$0.625 over cwt. basis	\$0.125
100	Wood or plywood	\$0.95 over cwt. basis	.20
140	Jute	Same as basis	None
100	Jute	Same as basis	None
140	Cotton	\$0.025 over cwt. basis	None
100	Cotton	Basis	None
50	Cotton	\$0.125 over cwt. basis	.02
25	Cotton	\$0.25 over cwt. basis	.04
10	Cotton	\$0.05 over cwt. basis	.10
5	Cotton	\$0.85 over cwt. basis	.20
2	Cotton	\$1.75 over cwt. basis	.50
100	Paper	Same as basis	None
50	Paper	\$0.05 over cwt. basis	.02
25	Paper	\$0.10 over cwt. basis	.04
10	Paper	\$0.30 over cwt. basis	.10
5	Paper	\$0.575 over cwt. basis	.20
2	Paper	\$1.35 over cwt. basis	.50
1½	Any type	\$1.75 over cwt. basis	.70

	Cents per cwt. additional
Outside jute envelopes (1 to cwt.)	17½
Outside jute envelopes (1 to cwt.)	22½
Outside jute envelopes (2 to cwt.)	30
Outside cotton envelopes (1 to cwt.)	25
Outside fibre containers (2 to cwt.)	22½
Outside paper envelopes (1 to cwt.)	15
Outside paper envelopes (2 to cwt.)	17½
Outside paper envelopes (4 to cwt.)	25
Other outside containers	actual cost

A. Charge for handling and packing buyer's outside paper, cotton, or jute envelopes, 5¢.

B. Charge for handling and packing buyer's fibre containers, 7½¢.

(e) For any other kind of seller's containers, the maximum price shall be the maximum price per hundredweight bulk plus the actual cost of packages, labels and shipping containers and plus the differential set forth in column 2 of subdivision (d) of this section for the size nearest the size in question.

(f) The provisions of subparagraphs (d) and (e) of this subdivision VIII of this Appendix A shall have no application to family cake flour, family whole wheat flour and family farina sold in packages of 5 pounds or less as provided for in subdivision VI of this Appendix A.

(g) Maximum prices for special package types and sizes for the United States Government or any agency thereof. (1) Maximum prices for flour from wheat and farina packed in special types and sizes of packages,

for the use of the United States Government or any agency thereof, in carload quantities delivered at specified destinations, shall be the applicable maximum price in 100 pound cotton sacks as heretofore provided (a) minus 16 cents per hundred weight, (b) plus the exact cost of the package used and (c) plus the additional cost of packing, if any, over the cost of packing in 100 pound cotton sacks.

(2) Maximum prices for semolina packed in special types and sizes of packages other than those set forth in subdivision VIII (d) of this Appendix A for the use of the United States Government or any agency thereof, in carload quantities delivered at specified destinations, shall be the applicable maximum price as set forth in subdivisions IV (a), (b), (c) and (d) plus or minus the difference in cost per hundred weight between the cost of packing the special type or size of package and the cost of packing 100 pound sacks thereof.

IX. *Maximum prices for other shipments or deliveries including less than carload quantities, except in the case of sales at retail:*

(1) The maximum prices for shipments or deliveries of more than 250 hundred weights but less than a carload quantity shall be the maximum carload prices at said points (said point being deemed a destination for this purpose) as set forth in this Appendix;

(2) The maximum price for shipments or deliveries of 250 hundredweights or less, either f. o. b. mill or f. o. b. seller's warehouse, shall be the maximum carload prices at said point (said point being deemed the destination for this purpose) as set forth in this Appendix A plus (a) in the metropolitan areas of New York—Northeastern New Jersey, Philadelphia, Pennsylvania; and Chicago, Illinois, 25 cents per hundred weight; (b) in the metropolitan areas of San Francisco, California; Milwaukee, Wisconsin; New Orleans, Louisiana; Detroit, Michigan; Cleveland, Ohio; Baltimore, Maryland; Washington, District of Columbia; St. Louis, Missouri; Boston, Massachusetts; Pittsburgh, Pennsylvania; and Cincinnati, Ohio, 20 cents per hundred weight and (c) in all other areas, 18 cents per hundred weight.

(3) The maximum prices for shipments in mixed cars or pool cars delivered f. o. b. team or industry track at destination, shall be the maximum carload prices as set forth in this Appendix A plus five cents per hundred weight.

(4) The maximum prices for shipments or deliveries of 250 hundred weights or less, delivered at any destination except f. o. b. mill, f. o. b. seller's warehouse or f. o. b. team or industry track in a mixed car or a pool car shall be the maximum carload prices set forth in Appendix A plus (a) in the metropolitan areas of New York—Northeastern New Jersey; Philadelphia, Pennsylvania and Chicago, Illinois 50 cents per hundred weight; (b) in the metropolitan areas of San Francisco, California; Milwaukee, Wisconsin; New Orleans, Louisiana; Detroit, Michigan; Cleveland, Ohio; Baltimore, Maryland; Washington, District of Columbia; St. Louis, Missouri; Boston, Massachusetts; Pittsburgh, Pennsylvania and Cincinnati, Ohio 43 cents per hundred weight and (c) in all other areas, 33 cents per hundred weight.

The metropolitan districts of the cities referred to above shall be the metropolitan areas used in compiling the 16th Census of the United States as listed and described in Bulletin Series PH-1, issued by the Bureau of the Census of the United States Department of Commerce.

X. *Maximum prices for sales by millers or blenders at retail.* The maximum prices for sales by millers, blenders, primary distributors and flour jobbers at retail shall be the maximum carload prices delivered at specified destinations as heretofore provided plus 64 cents per hundred weight.

XI. *Maximum prices for sales of imported flour from wheat, semolina or farina.* The maximum prices which can be charged or

paid for flour from wheat, semolina and farina imported into the several states of the United States and the District of Columbia are the maximum prices computed under the applicable provisions of Appendix A at the point of delivery within the United States: *Provided*, That if the imported flour from wheat is a soft wheat flour and it is delivered at a destination where there are varying maximum prices for soft wheat flour the maximum price shall be the same as that of soft wheat flour milled at Chicago, Illinois.

XII. *Maximum prices for export sales.* The maximum prices for export sales shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation² issued by the Office of Price Administration.

XIII. *Maximum prices at non-rail points.* In those areas where maximum prices are determined hereunder by adding a rail charge to a basic price, if the buyer's receiving point is located more than 10 miles from the nearest railroad siding, an amount may be added to the applicable maximum carload price at the railroad siding nearest to the buyer's receiving point, equal to the difference between the charge at the lowest common carrier rate for the transportation of an equivalent quantity of flour from wheat, semolina or farina from such railroad siding to the buyer's receiving point and the charge at the lowest common carrier rate for the transportation of this same quantity a distance of 10 miles from such siding. For the purposes of this section, the distance along the shortest and most direct vehicle highway route shall be used in calculating the distance from the nearest railroad siding to the buyer's receiving point.

XIV. *Selection by the buyer of his receiving point.* Nothing in the foregoing provisions

of this Revised Maximum Price Regulation No. 296 shall be construed to prohibit any person from purchasing and receiving delivery of flour from wheat, semolina and farina at any point within the several states of the United States or the District of Columbia at the maximum price at that point as computed under the applicable provisions of Appendix A, and shipping from such point to any other point at his own expense, although the price paid at the first point plus transportation to the second point may exceed the maximum price at the second point computed under the applicable provisions of Appendix A: *Provided*, That if the flour from wheat, semolina or farina is resold, the maximum prices for such resale shall be as hereinbefore provided in this regulation.

XV. *Maximum prices for sales by persons other than millers, blenders, primary distributors, and flour jobbers.* Maximum prices for sales of flour by persons other than millers, blenders, primary distributors, and flour jobbers are to be determined in accordance with the provisions of Maximum Price Regulation No. 421, in the case of wholesalers as defined therein and in accordance with the provisions of Maximum Price Regulations Nos. 422 and 423 in the case of retailers as defined therein.

XVI. *Conversion to barrel basis and container differentials.* (a) All maximum prices hereinbefore set forth on a per hundred weight basis may be converted to maximum prices per barrel by multiplying the appropriate maximum price per hundred weight by 1.96 and rounding the result to the next lower cent.

(b) All differentials set forth in subdivisions (VII) (IX) and (X) of this appendix may be converted to a differential per barrel by multiplying the appropriate differential by two and rounding the result to the next lower cent.

(c) *Package differentials.*

² 8 F.R. 4132, 5987, 7662, 9998, 15193.

Size of container	Kind	Seller's packages, charge per barrel over 100 pound cotton carload price	Buyer's packages charge per bbl. over bulk price for handling and packing buyer's packages
196 lb.	Wood or plywood	\$1.10 over	\$0.25
98 lb.	Wood or plywood	1.70 over	.35
140 lb.	Jute	Basis	None
98 lb.	Jute	.05 over (2 to barrel)	None
140 lb.	Cotton	.05 over	None
98 lb.	Cotton	Basis (2 to barrel)	None
96 lb.	Cotton	.10 under (2 to barrel)	None
49 lb.	Cotton	.25 over (4 to barrel)	.04
48 lb.	Cotton	.15 over (4 to barrel)	.04
24½ lb.	Cotton	.50 over (8 to barrel)	.08
24 lb.	Cotton	.40 over (8 to barrel)	.08
20 lb.	Cotton	.75 over (10 to barrel)	.10
12½ lb.	Cotton	.80 over (16 to barrel)	.16
12 lb.	Cotton	.70 over (16 to barrel)	.16
10 lb.	Cotton	1.10 over (20 to barrel)	.20
9.8 lb.	Cotton	1.00 over (20 to barrel)	.20
8 lb.	Cotton	1.05 over (24 to barrel)	.24
7 lb.	Cotton	1.25 over (28 to barrel)	.28
6 lb.	Cotton	1.35 over (32 to barrel)	.32
5 lb.	Cotton	1.80 over (40 to barrel)	.40
4.9 lb.	Cotton	1.70 over (40 to barrel)	.40
4 lb.	Cotton	1.85 over (48 to barrel)	.48
3½ lb.	Cotton	2.15 over (60 to barrel)	.56
3 lb.	Cotton	2.25 over (64 to barrel)	.64
2 lb.	Cotton	3.25 over (96 to barrel)	.96
1½ lb.	Cotton	4.30 over (128 to barrel)	1.28
98 lb.	Paper	Basis (2 to barrel)	None
49 lb.	Paper	.10 over (4 to barrel)	.04
48 lb.	Paper	Basis (4 to barrel)	.04
24½ lb.	Paper	.20 over (8 to barrel)	.08
24 lb.	Paper	.10 over (8 to barrel)	.08
20 lb.	Paper	.40 over (10 to barrel)	.10
12½ lb.	Paper	.45 over (16 to barrel)	.16
12 lb.	Paper	.35 over (16 to barrel)	.16
10 lb.	Paper	.70 over (20 to barrel)	.20
9.8 lb.	Paper	.60 over (20 to barrel)	.20
8 lb.	Paper	.60 over (24 to barrel)	.24
7 lb.	Paper	.85 over (28 to barrel)	.28
6 lb.	Paper	.85 over (32 to barrel)	.32
5 lb.	Paper	1.25 over (40 to barrel)	.40
4.9 lb.	Paper	1.15 over (40 to barrel)	.40
4 lb.	Paper	1.25 over (48 to barrel)	.48
3½ lb.	Paper	1.55 over (60 to barrel)	.56
3 lb.	Paper	1.65 over (64 to barrel)	.64
2 lb.	Paper	2.50 over (96 to barrel)	.96
1½ lb.	Paper	3.30 over (128 to barrel)	1.28

If shipments are made in buyer's bags an allowance shall be made by the seller for the 4 pounds of flour saved in packing sizes calling for 192 pounds per barrel and a charge shall be made for the extra flour required in packing sizes calling for 200 pounds per barrel.

	Cents per barrel additional
Outside jute envelopes (1 to barrel)-----	35
Outside jute envelopes (2 to barrel)-----	45
Outside jute envelopes (4 to barrel)-----	60
Outside cotton envelopes (2 to barrel)-----	50
Outside fiber containers (4 to barrel)-----	45
Outside paper envelopes (2 to barrel)-----	30
Outside paper envelopes (4 to barrel)-----	35
Outside paper envelopes (8 to barrel)-----	50

Per bbl.

Charge for handling and packing buyer's outside paper, cotton, or jute envelopes-----	\$0.10
Charge for handling and packing buyer's fiber containers-----	.15

(d) *Maximum prices for flour from wheat and farina packed in packages and/or package sizes other than those set forth in subparagraph (c).* Maximum prices for flour from wheat and farina packed in packages and/or package sizes other than those set forth in subparagraph (c) hereof shall be:

(i) The appropriate proportion of the bulk price per barrel for flour from wheat or farina determined by subtracting from the applicable maximum price in 100 pound sacks, the amount of 16 cents and,

(ii) Adding thereto the cost of packages, labels, and shipping containers, and

(iii) Adding also the appropriate proportion of the per hundredweight differential in subparagraph (c) hereof under the heading "Buyer's packages, charge per hundredweight over bulk price for handling and packing buyer's packages" for the package size most nearly approximating that for which a maximum price is being calculated.

(e) *Added charges for containers other than those covered by subparagraph (c).* If an outside jute, cotton, or paper envelope or an outside fiber container of a size different from those set forth under subparagraph (c) hereof is used, the cost of the envelope or fiber container actually used may be added to the maximum prices for flour from wheat, or farina as otherwise set forth in this Appendix A.

This regulation shall become effective November 30, 1943.

Issued this 30th day of November 1943.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 43-19199; Filed, November 30, 1943; 5:15 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 495,¹ Correction]

MISCELLANEOUS BAKERY PRODUCTS

The references to "section 13" appearing in paragraphs (b) and (c) of Appendix A are hereby corrected to read "Appendix A."

This correction shall become effective December 1, 1943.

¹ 8 F.R. 15936.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19252; Filed, December 1, 1943; 4:25 p. m.]

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

[RPS 85,¹ Amdt. 12]

NEW PASSENGER AUTOMOBILES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Price Schedule 85 is amended in the following respects:

1. Section 1360.51 is amended by deleting the phrase in paragraph (c) (2) "under the provisions of § 1360.52a".

2. Section 1360.52 is amended as follows:

§ 1360.52 *Maximum retail prices for new passenger automobiles when owned and being sold by persons generally engaged in the selling of new passenger automobiles at retail.* The maximum retail price for a new passenger automobile owned and being sold by a person generally engaged in the selling at retail of automobiles is a price that is the sum of the following items:

(a) The manufacturer's list price at the factory for the automobile with equipment standard as of October 15, 1941, as shown for each make and model in § 1360.61, as amended, less the following:

(1) An allowance for the fifth tire removed from the automobile in accordance with War Production Board Supplementary Limitation Order L-2-e. Where the manufacturer removed the tire, the allowance is the amount he deducted from the list price because of such removal. Where the seller at retail removed the tire, the allowance is 75% of the retail price of the tire.

(2) 75% of the retail price of each other piece of equipment standard as of October 15, 1941, which is removed from the automobile.

(b) An allowance for Federal excise taxes not to exceed the manufacturer's charge approximating and averaging the same, which charge shall be filed by the manufacturer with the Office of Price Administration. This item shall not include taxes on any removed equipment.

(c) An allowance for transportation which shall not exceed the actual rail freight charge at carload rate, by the most direct route, for the transportation of the automobile from the factory to the railroad freight receiving station nearest to the location of the seller making

*Copies may be obtained from the Office of Price Administration.

¹ 7 F.R. 1364, 1675, 2132, 2134, 6048, 6897, 7100, 7436, 7942, 8948, 9899; 8 F.R. 1450, 2040, 8213, 13726.

ing delivery to the purchaser: *Provided*, That in the case of a sale by a seller located in any of the territories or possessions of the United States, the allowance for transportation may include the actual cost of shipment by all types of transportation outside the territorial boundaries of the United States actually used to deliver the automobile to such seller, and may include expenses incurred for packing, crating, dunnage, drayage, lighterage, war risk insurance, and wharfage.

(d) An allowance of 5% of (a) and (c) above, or \$75, whichever is lower (hereinafter called handling and delivery charges), in the case of an automobile not used except for the purpose of sale: *Provided*, That (1) when delivery was made after March 15, 1943, the automobile shall have received the operations set forth in § 1360.63 Appendix C: *Standard Delivery Operations*, as therein required, and at the time of delivery the seller shall deliver to the purchaser a copy of Appendix C, and shall execute and deliver to the purchaser and to the Office of Price Administration the certification regarding these operations required by § 1360.52b; (2) when delivery was made, on or before March 15, 1943, the automobile shall have received, either the operations set forth in Appendix C, or all of the services customarily performed in order to prepare the automobile for delivery to the purchaser and all of the factory recommended get-ready and delivery operations. However, where the automobile being sold is one kept in a customary sales room on display for sale, or is a demonstrator, company owned or executive car, the handling and delivery charges may be included without the performance of the operations in Appendix C. In the case of a sale of an automobile used other than for the purpose of sale, the amount of handling and delivery charges that could have been charged by a previous seller in accordance with this paragraph (d) may be included: *Provided*, That the present seller has knowledge and can furnish adequate evidence to his purchaser that such charges could have been made.

(e) An allowance (hereinafter called increment) equal to 1% of the list price of the automobile, or \$15, whichever is lower, for each calendar month, or greater part thereof, after January 31, 1942, which elapses prior to the delivery of the automobile to the purchaser, subject to the following conditions and qualifications:

(1) Maintenance operations in Appendix B shall have been performed in accordance with subdivision (i), (ii), (iii), or (iv).

(i) The automobile shall have received, on and after October 31, 1942, all the maintenance operations set forth in Appendix B.

(ii) The automobile has not received on and after October 31, 1942, all the maintenance operations set forth in Appendix B, but the time for the performance thereof has been extended to a certain date and the automobile shall have received on and after such date all

the maintenance operations set forth in Appendix B.

(iii) (a) The automobile has not received on and after October 31, 1942, all the maintenance operations set forth in Appendix B, but the seller has, prior to delivery, obtained permission from the Office of Price Administration in accordance with (b) below, to omit or postpone the performance of certain specified maintenance operations, and the automobile has received all the other maintenance operation set forth in Appendix B.

(b) In order to obtain permission to omit or postpone the performance of certain specified maintenance operations, the seller shall file a report with the nearest Regional Office of the Office of Price Administration setting forth: (1) The specified maintenance operations which have not been and/or will not be performed, and a detailed statement of the reasons therefor; (2) a statement that the automobile is not and will not be damaged by the nonperformance of such specified maintenance operations, and that the automobile is and will remain in a condition substantially equal to its condition when newly manufactured; and (3) a statement that the automobile has received and will continue to receive until the date of sale all the other maintenance operations set forth in Appendix B. If the Regional Office of the Office of Price Administration shall approve such report, or shall fail to disapprove such report within fifteen days after receiving it, the seller may omit the performance of the maintenance operations specified in such report.

(iv) The automobile has not received on and after October 31, 1942, all the maintenance operations set forth in Appendix B, but the following circumstances prevail:

(a) The automobile shall have been transferred, by voluntary or involuntary action, to the United States, or any agency thereof, or the manufacturer, or a lien holder (in this subdivision called "the transferee"), and

(b) (1) Within thirty days after the transfer to the transferee the automobile shall have been reconditioned by the transferee and thereafter sold by such transferee to a person engaged generally in the selling of automobiles at retail (other than the person who failed to perform the maintenance operations set forth in Appendix B; or

(2) Within thirty days after the transfer to the transferee the automobile shall have been sold by the transferee to a person engaged generally in the selling of automobiles at retail (other than the person who failed to perform the maintenance operations set forth in Appendix B), and reconditioned by such retail dealer within thirty days after the sale to him; and

(3) The automobile shall have received, on and after the date on which it is reconditioned, until the date of sale, all the maintenance operations set forth in Appendix B.

(2) No increment shall be included for the period during which the automobile

is used for any purpose except for the purpose of sale. In the case of a sale of an automobile, used other than for the purpose of sale, the increment that could have been charged by a previous seller in accordance with this paragraph may be included: *Provided*, That the present seller has knowledge and can furnish adequate evidence to his purchaser that such increment could have been charged. The maximum price for this automobile may, in any event, include increment for the period the present seller has the automobile in his possession: *Provided*, That he has performed the maintenance operations in Appendix B in accordance with this paragraph.

(3) Where the seller has refused on or after October 9, 1943, to sell any automobile to a bona fide holder of a ration certificate or a government exemption permit, who possesses the financial qualifications customarily required of a purchaser and is legally capable of entering into a contract and is willing to pay the maximum price, such a seller shall not include in the maximum retail price of any automobile any increment for the period beginning with the date of the refusal up to the date this regulation ceases to be in effect.

(4) The seller at the time of delivery shall execute and deliver to the purchaser and the Office of Price Administration the certificate required by § 1360.52a and shall execute and deliver to the purchaser the invoice or bill of sale required by § 1360.52c.

3. Section 1360.52a is deleted and a new § 1360.52a is added to read as follows:

§ 1360.52a *Maximum retail prices for new passenger automobiles when owned and being sold by persons not generally engaged in the selling of new passenger automobiles at retail.* The maximum retail price for a 1942 passenger automobile used other than for the purpose of sale (defined as a new passenger automobile in this regulation) when owned and being sold by a person not engaged generally in the selling of automobiles at retail is the price that this seller paid for such an automobile less 75% of the retail price of each piece of equipment he removed from the automobile: *Provided*, That he has knowledge and can furnish to his purchaser adequate evidence that the price he paid was in accordance with the then applicable maximum price. In any event, this seller may sell the automobile at a maximum price determined in accordance with § 1360.52 exclusive of increment and any allowance for handling and delivery charges.

4. Section 1360.59 is amended by the addition of the following paragraph (1):

(1) "Sale" includes sales, dispositions, exchanges, and other transfers and contracts and offers to do any of the foregoing. It includes conditional sales and sales under rental contracts, lease agreements or other agreements. The terms "sale", "seller", "selling", "purchase",

"purchaser" and "purchasing" shall be construed accordingly.

This amendment shall become effective December 7, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19267; Filed, December 1, 1943; 4:34 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[RMPR 169, Amdt. 34]

BEEF AND VEAL CARCASSES AND WHOLESALE CUTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 169 is amended in the following respects:

1. Section 1364.405 (f) is added to read as follows:

(f) *Temporary adjustments affecting frozen boneless beef (Army specifications) due to increased labor costs.* (1) Any person who shows that a War Procurement Agency has requested him to increase production, or to undertake production, of frozen boneless beef (Army specifications) and that his direct labor costs will be increased because such increased or new production requires the use of inexperienced labor or overtime work, may file an application in duplicate for adjustment either of the applicable maximum f. o. b. boning plant price established in § 1364.452 (m) or the maximum price for government contract boning established in § 1364.405 (e), to cover such increased direct labor costs. Such application shall be made on Form No. 636-590, a copy of which is contained in § 1364.531 of this regulation, and shall be filed with the appropriate regional office of the Office of Price Administration. The Regional Administrator shall within seven days after receipt of the application issue an order either granting such adjustment as he deems appropriate, but in no event more than \$1.00 per hundredweight for adjustment under § 1364.452 (m) or \$.72 per hundredweight for adjustment under § 1364.405 (e), or denying the application. In determining the amount of the increase in direct labor costs caused by increased or new production, the Regional Administrator shall give consideration only to direct labor costs which are shown or reasonably calculated to be higher than

*Copies may be obtained from the Office of Price Administration.

18 F.R. 4097, 4787, 4844, 5170, 5478, 5634, 6058, 6427, 7109, 6945, 7199, 7200, 8011, 8677, 8756, 9066, 9300, 9995, 10363, 10671, 11298, 11445, 12748, 13249, 13181, 14009.

the average of the direct labor costs heretofore filed with the Office of Price Administration by representative and substantial suppliers of frozen boneless beef (Army specifications). Applicants operating more than one plant shall file separately for each plant at which an adjustment is sought. Following issuance of an order pursuant to this paragraph (d) the Regional Administrator shall forward a copy of the application together with a copy of the order and such other data as were used in the determination to the Administrator at Washington, D. C. for review. After review, the Regional Administrator shall change, modify or revoke the order in such manner as the Administrator deems appropriate. However, the provisions of the Regional Administrator's order shall remain in full force and effect until such time as they are changed, modified or revoked.

(2) Any adjustment granted under this paragraph (f) shall be conditioned upon the keeping of records by the applicant showing: The weekly production of frozen boneless beef (Army specifications) by grades; the dressed carcass weight by grade of beef used in such production; the total number of direct production employees by classifications; the total number of man-hours worked by each classification and the total wages paid each classification. For a failure to maintain such records, any adjustment granted shall be deemed void as of the date of issuance and the amount charged or received in excess of the applicable maximum prices established in § 1364.452 (m) or § 1364.405 (e), as the case may be, shall be deemed an overcharge.

2. Section 1364.531 is added to read as follows:

§ 1364.531 *Appendix F: Form No. 636-590.* (Form Approved—Bureau of the Budget 08-R 736.)

APPLICATION FOR ADJUSTMENT OF MAXIMUM PRICE OF FROZEN BONELESS BEEF (ARMY SPECIFICATIONS) OR GOVERNMENT CONTRACT BONING PURSUANT TO § 1364.405 (F) OF REVISED MAXIMUM PRICE REGULATION NO. 169 DUE TO INCREASED DIRECT LABOR COSTS CAUSED BY USE OF INEXPERIENCED LABOR OR OVERTIME PAYMENTS

NOTE: Pursuant to § 1364.405 (f) adjustments under this application are limited to no more than \$1.00 per hundredweight for sales of frozen boneless beef (Army specifications) or \$.72 per hundredweight for government contract boning. File separate application for each plant at which adjustment is sought. No adjustment will be allowed unless all of the information herein is provided by applicant.

1. Name of applicant.....

2. Address of applicant.....

(Indicate here plant address for which adjustment is sought.)

3. (a) List all plants at which applicant is currently producing or produced during 1943, frozen boneless beef (Army specifications).

(b) Is applicant applying for increase in selling price under § 1364.452 (m) or government contract boning price under § 1364.405 (e)?

4. Is applicant undertaking production of frozen boneless beef (Army specifications) as a new operation?

Yes.....
No.....

5. Has a War Procurement Agency requested applicant to increase or undertake production of frozen boneless beef (Army specifications)?..... If so, give name of agency and brief explanation concerning such request.

6. ONLY APPLICANTS CURRENTLY PRODUCING FROZEN BONELESS BEEF (ARMY SPECIFICATIONS) OR WHO PRODUCED FROZEN BONELESS BEEF (ARMY SPECIFICATIONS) DURING 1943 SHALL ANSWER THIS QUESTION.

Give information required by this question for each of the two months immediately preceding this application, or if no production during such period, for each of most recent two months in 1943 during which applicant produced frozen boneless beef (Army specifications).

DIRECT LABOR COSTS IN PRODUCTION OF FROZEN BONELESS BEEF

	(i) Choice or AA	(ii) Good or A	(iii) Commercial or B	(iv) Utility or C	(v) Total
(a) Month.....					
Total production (pounds).....					
Dressed carcass weight (pounds).....					

Classification of direct production employees responsible for above production	Number in each classification	Total wages paid in each classification	Total wages paid at single rate	Total wages paid at over-time rate
(1)	(2)	(3)	(4)	(5)
Boners.....				
Weighers.....				
Packers.....				
Total.....				

	(i) Choice or AA	(ii) Good or A	(iii) Commercial or B	(iv) Utility or C	(v) Total
(b) Month.....					
Total production (pounds).....					
Dressed carcass weight (pounds).....					

Classification of direct production employees responsible for above production	Number in each classification	Total wages paid in each classification	Total wages paid at single rate	Total wages paid at over-time rate
(1)	(2)	(3)	(4)	(5)
Boners.....				
Weighers.....				
Packers.....				
Total.....				

(C) HOURS OF WORK FOR BONERS

Type of production of boneless meat during periods shown in 6 (a) and (b)	Production (pounds)		Total number of boners responsible for production		Total number of boners in column (3) carried over on plant pay-roll from previous month		Total man-hours		Number of hours overtime	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
	Month	Month	Month	Month	Month	Month	Month	Month	Month	Month
Frozen boneless beef (Army specifications)										
Other boneless beef.....										
Other boning operations.....										

(2) Total production (boneless weight) in pounds (show results for each of two months in 6 (a) and (b) separately).

(5) Total man-hours only for boners (total of single and overtime).

(6) Total number of hours overtime for boners.

(d) If any classification shown in (a) and (b), or part thereof was paid on a piece rate basis, indicate the following:

	(i) Classification	(ii) Number of employees	(iii) Piece rate (single time)	(iv) Piece rate (overtime)	(v) Average volume of production per hour
Month.....					
Month.....					

(e) (i) What is the anticipated increased production of frozen boneless beef (Army specifications) per month? Total pounds -----

(ii) Divide total wages paid for direct labor in producing frozen boneless beef (Army specifications) for two months shown by total production of such beef and show result in direct labor cost per hundredweight of production. -----

(iii) If the increased production shown in 6 (e) (i) will require a higher direct labor cost than determined in 6 (e) (ii), explain in detail the reasons for such increased rate and the method of computing the anticipated increased rate. In showing the method of computation, make wage and hour breakdown as shown in 6 (a), (b) and (c) and (d).

TOTAL PRODUCTION OF BONELESS BEEF (FOR SAUSAGE PRODUCTION, CANNING AND OTHER PURPOSES) DIRECT LABOR COSTS IN PRODUCTION OF BONELESS BEEF

	(i)	(ii)	(iii)	(iv)	(v)	(vi)	(vii)
	Choice or AA	Good or A	Commercial or B	Utility or C	Cutter and Canner or D	Bologna or D	Total
(a) Month.....							
Total production (pounds).....							
Dressed carcass weight (pounds).....							

Classification of direct production employees responsible for above production

	(1)	(2)	(3)	(4)	(5)
	No. in each classification	Total wages paid in each classification	Total wages paid at single rate	Total wages paid at overtime rate	
Boners.....					
Weighers.....					
Total.....					

	(i)	(ii)	(iii)	(iv)	(v)	(vi)	(vii)
	Choice or AA	Good or A	Commercial or B	Utility or C	Cutter and Canner or D	Bologna or D	Total
(b) Month.....							
Total production (pounds).....							
Dressed carcass weight (pounds).....							

Classification of direct production employees responsible for above production

	(1)	(2)	(3)	(4)	(5)
	No. in each classification	Total wages paid in each classification	Total wages paid at single rate	Total wages paid at overtime rate	
Boners.....					
Weighers.....					
Total.....					

(C) HOURS OF WORK FOR BONERS

Type of production of boneless meat during periods shown in 7 (a) and (b)	(1)	(2)	(3)	(4)	(5)	(6)
	Month	Month	Month	Month	Month	Month
Boneless beef for sausage and canning.....						
Other boning operations.....						
Total number of boners in column (3) carried over on plant pay-roll from previous month.....						
Total man-hours.....						
Number of hours overtime.....						

(2) Total production (boneless weight) in pounds (show results for each of two months in 7 (a) and (b) separately).
(3) Total man-hours only for boners (total of single and overtime).
(6) Total number of hours overtime for boners.

(d) If any classification shown in (a) and (b), or part thereof was paid on a piece rate basis, indicate the following:

	(i)	(ii)	(iii)	(iv)	(v)
	Classification	Number of employees	Piece rate (single time)	Piece rate (overtime)	Average volume of production per hour
Month.....					
Month.....					

(e) Describe in detail the manner in which applicant's boning operations shown in subparagraphs (a) through (d) differ from the proposed manner of producing frozen boneless beef (Army specifications).

(f) Divide total wages paid for direct labor in producing boneless beef for two months shown by total production of such boneless beef and show result in direct labor cost per hundredweight of production. -----

(g) What is the anticipated monthly production of frozen boneless beef (Army specifications)? ----- lbs.

(h) What boning yields does applicant anticipate in production of frozen boneless beef (Army specifications)?

Choice ----- % Commercial ----- %
Good ----- % Utility ----- %

Has applicant made any tests? -----
If so, indicate results. -----

(i) Give following direct labor cost anticipations: -----

(j) Show total number of direct production employees necessary for proposed production. -----

(k) Show number of employees for each classification listed in (ii). -----

(l) The number of man-hours for each classification should be total of (v) and (vi) for same classification. -----

(m) If any classification or part of classification will be paid on a piece rate basis, show classification, number of employees, single time and overtime piece rates, separately. -----

(n) Show sum of (v) multiplied by (vii) and (vi) multiplied by (viii) for each classification. -----

(o) Show sum of (v) multiplied by (vii) and (vi) multiplied by (viii) for each classification. -----

(p) Show sum of (v) multiplied by (vii) and (vi) multiplied by (viii) for each classification. -----

(q) Show sum of (v) multiplied by (vii) and (vi) multiplied by (viii) for each classification. -----

(r) Show sum of (v) multiplied by (vii) and (vi) multiplied by (viii) for each classification. -----

(s) Show sum of (v) multiplied by (vii) and (vi) multiplied by (viii) for each classification. -----

(t) Show sum of (v) multiplied by (vii) and (vi) multiplied by (viii) for each classification. -----

(u) Show sum of (v) multiplied by (vii) and (vi) multiplied by (viii) for each classification. -----

(v) Show sum of (v) multiplied by (vii) and (vi) multiplied by (viii) for each classification. -----

(w) Show sum of (v) multiplied by (vii) and (vi) multiplied by (viii) for each classification. -----

(x) Show sum of (v) multiplied by (vii) and (vi) multiplied by (viii) for each classification. -----

(j) If applicant has answered paragraphs (a) through (f), explain why direct labor cost of production of frozen boneless beef (Army specifications) (divide 7 (g) by 7 (i) (x)) will exceed direct labor cost of production of other boneless beef.

(k) Give following additional information:

(i) Estimated boning-test costs for the production of frozen boneless beef (Army specifications) proposed in 7 (g) showing credits and all other anticipated costs.

(ii) The proportions, by grades, of anticipated monthly production of frozen boneless beef.

Choice ----- % Commercial ----- %
Good ----- % Utility ----- %

(iii) On the basis of anticipated direct labor costs shown for proposed production of frozen boneless beef (Army specifications) the applicant requires an increase of ----- per cwt. to cover such increased costs.

I certify that all the information above is true and correct.

Section 35 (a) of the United States Criminal Code (184 S. C. A. 80) makes it a criminal offense to make a false statement or representation to any Department or Agency of the United States as to any matter within the jurisdiction of any Department or Agency of the United States.

Signature of applicant -----
Official title -----
Dated -----

This amendment shall become effective December 1, 1943.

NOTE: The reporting and recording provisions of this regulation are approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 30th day of November 1943.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 43-19242; Filed, December 1, 1943; 4:22 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH

[MPR 418, Amdt. 18]

FRESH FISH AND SEAFOOD

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 418 is amended in the following respects:

1. Section 2 (a) is amended to read as follows:

(a) *Ex-vessel fish.* Table A (Article IV, section 20 (a)) lists the species of fresh fish and seafood (including shellfish and mollusks) for which maximum prices are established by this regulation. The prices are fixed for each month. For each month, there are two columns of prices. The prices in Table A for sales by producers apply irrespective of the nature of the purchaser and irrespective of whether the fish are sold through an agent of any kind. Nevertheless, a producer who performs the functions of a primary fish shipper wholesaler or other wholesaler at his

established place of doing business, and who for the substantial portion of the year prior to July 13, 1943, was engaged in performing the functions of a primary fish shipper wholesaler or other wholesaler at his established place of doing business, may sell at the prices provided in Table B, D or E depending on the character of the sale. The left-hand pricing column is the producer's maximum price at the port of entry for the designated species in bulk, ex-vessel, i. e., in the customary way in which the particular species is landed at that port, and of the customary size, where size is a factor in the price. War risk insurance premiums may be paid in addition to the listed maximum prices for those species of fish and in those localities where such premiums have customarily been paid by purchasers of the fish.

2. Section 3 (a) is amended to read as follows:

(a) *Sale by a primary fish shipper wholesaler.* A sale by a primary fish shipper wholesaler is a sale by a person who buys and receives fresh fish or seafood from a producer at a port of entry or inland and who sells bulk, boxed, barreled or packaged fresh fish or seafood from his established place of doing business to other wholesalers (retailer-owned cooperative, cash and carry, and service and delivery) or to a retail chain store warehouse.

3. In section 20, Table A, Item Nos. 10, 11 and 12 are added to Schedule No. 2 to read as follows:

TABLE A—MAXIMUM PRICES FOR PRODUCERS OF FRESH FISH AND SEAFOOD

Schedule No.	Name	Item No.	Style of dressing	Size	Price per pound											
					January	February	March	April	May	June	July	August	September	October	November	December
					Bulk ex-vessel	Boxed	Bulk ex-vessel	Boxed	Bulk ex-vessel	Boxed	Bulk ex-vessel	Boxed	Bulk ex-vessel	Boxed	Bulk ex-vessel	Boxed
2.....	Codfish (<i>Gadus Callarius</i>).	10	Dressed....	25 lb. up....	Cts. 10 1/4	Cts. 11 1/4	Cts. 10 1/4	Cts. 11 1/4	Cts. 10 1/4	Cts. 11 1/4	Cts. 10 1/4	Cts. 11 1/4	Cts. 10 1/4	Cts. 11 1/4	Cts. 10 1/4	Cts. 11 1/4
		11	Dressed....	10-25 lb....	Cts. 11 1/4	Cts. 12 1/4	Cts. 11 1/4	Cts. 12 1/4	Cts. 11 1/4	Cts. 12 1/4	Cts. 11 1/4	Cts. 12 1/4	Cts. 11 1/4	Cts. 12 1/4	Cts. 11 1/4	Cts. 12 1/4
		12	Dressed....	5-10 lb....	Cts. 10 1/4	Cts. 11 1/4	Cts. 10 1/4	Cts. 11 1/4	Cts. 10 1/4	Cts. 11 1/4	Cts. 10 1/4	Cts. 11 1/4	Cts. 10 1/4	Cts. 11 1/4	Cts. 10 1/4	Cts. 11 1/4

This amendment shall become effective December 6, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 30th day of November 1943.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 43-19184; Filed, November 30, 1943; 4:33 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 13, Amdt. 90]

PROCESSED FOODS

A rationale for this amendment has been issued simultaneously herewith

* 8 F.R. 9364, 10086, 10513, 10939, 11734, 11687, 12468, 12233, 12688, 13297, 13182, 13302, 14049.

and has been filed with the Division of the Federal Register.*

Section 21.1 (a) (30) is added to read as follows:

(30) "Citrus marmalade" means a marmalade containing citrus fruit and no other fruit.

This amendment shall become effective December 1, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. 1, 7 F.R. 562; Food Dir. 3, 8 F.R. 2005, and Food Dir. 5, 8 F.R. 2251)

* Copies may be obtained from the Office of Price Administration.

* 8 F.R. 11048, 11383, 11483, 11513, 11753, 11812, 12026, 12297, 12312, 12446, 12485, 12548, 12560, 13301, 13492, 13980, 14346, 14472, 14473, 14476, 14477.

Issued this 1st day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19246; Filed, December 1, 1943; 4:23 p. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 425, Amdt. 4]

FRESH FRUITS, BERRIES AND VEGETABLES FOR PROCESSING

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.*

Section 3 (b) is hereby revoked.

This regulation shall become effective November 30, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 30th day of November 1943.

CHESTER BOWLES,
Administrator.

Approved: November 29, 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-19186; Filed, November 30, 1943;
4:37 p. m.]

PART 1439—UNPROCESSED AGRICULTURAL
COMMODITIES

[MPR 426, Amdt. 13]

FRESH FRUITS AND VEGETABLES FOR TABLE
USE, SALES EXCEPT AT RETAIL

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.*

Appendix F is hereby revoked.

This amendment shall become effective November 30, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 30th day of November 1943.

CHESTER BOWLES,
Administrator.

Approved: November 29, 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-19187; Filed, November 30, 1943;
4:37 p. m.]

PART 1448—EATING AND DRINKING
ESTABLISHMENTS

[Restaurant MPR 5-8, Amdt. 3]

FOOD AND DRINK SOLD FOR IMMEDIATE CON-
SUMPTION IN ST. LOUIS DISTRICT

For the reasons set forth in the statement of considerations issued simultaneously herewith,* and under the authority vested in the District Director of the St. Louis District Office of the Office of Price Administration by the Regional Administrator of Region V under the provisions of General Order No. 50 of the Office of Price Administration, it is hereby ordered that Restaurant Maximum Price Regulation No. 5-8, issued under the provisions of General Order No. 50, shall be, and the same is, hereby amended as follows:

Section 10 (b) (2) of said Restaurant Maximum Price Regulation No. 5-8 is hereby amended by substituting at the end of this section the letter (c) for the letter (b), so that this section, as amended, shall read as follows:

(2) If the place was not in operation during the base period from April 4 to April 10, 1943, but another place of the same type and within a reasonable distance was in operation during that period, fix your ceiling prices as a new

*Copies may be obtained from the Office of Price Administration.

proprietor under the terms of section 9 (c).

This amendment shall become effective on November 16, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; Gen. Order 50, 8 F.R. 4808)

Issued this 16th day of November 1943.

WILLIAM H. BRYAN,
District Director.

[F. R. Doc. 43-19249; Filed, December 1, 1943;
4:25 p. m.]

PART 1499—COMMODITIES AND SERVICES

[MPR 165¹ as Amended, Supp. Service
Reg. 20]

WHOLESALE LAUNDRIES AND HAND LAUNDRIES
IN NEW YORK CITY AREA

A statement of the considerations involved in the issuance of this Supplementary Service Regulation No. 20 has been filed with the Division of the Federal Register.* For the reasons set forth in that statement and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Order No. 9250, Supplementary Service Regulation No. 20 is hereby issued. The specifications and standards set forth in this supplementary service regulation are those which, prior to the issuance of the regulation, were in general use by the trade in the affected area.

§ 1499.672 *Wholesale laundries and hand laundries in the New York City Area.* (a) Dollars-and-cents maximum prices established for laundry services sold by wholesale laundries located in or when selling in the New York City area and for laundry services sold by hand laundries located in the New York City area.

(1) The maximum prices established by Maximum Price Regulation No. 165 as amended—Services—for wholesale laundry services sold by wholesale laundries located in or when selling in the New York City area to hand laundries are hereby modified and shall henceforth be the prices set forth in Appendix A.

(2) The maximum prices established by Maximum Price Regulation No. 165 as amended—Services—for services of hand laundries located in the New York City area are hereby modified and shall henceforth be the prices set forth in Appendix B.

(3) *Definitions.* As used in this regulation the term:

"Wholesale laundry" means a power laundry offering laundry services for sale to retail hand laundries.

"Hand laundry" means a retail laundry establishment receiving and distributing laundry, generally finishing some wearing apparel by hand ironing done on the premises, giving only limited, if any, delivery service and employing not more than ten employees. This regulation

¹ 7 F.R. 6428, 6966, 8239, 8431, 8798, 8943, 8948, 9197, 9342, 9343, 9785, 9971, 9973, 10480, 10619, 10718, 11010; 8 F.R. 1060, 3324, 4782, 5681, 5755, 5933, 6364, 8506, 8873, 10671, 10939, 11764, 12023.

shall not apply where more than three retail laundry establishments are operated under the same ownership.

"New York City area" means the following eight counties: Bronx, New York, Kings, Queens, Richmond, Westchester, Nassau, and Suffolk, all in the state of New York.

(4) *Notice and posting requirements.* Within 30 days after the issuance of this regulation, every wholesale laundry located in or selling in the New York City area shall notify its hand laundry customers affected by this regulation of the maximum prices established in Appendix A.

Within 30 days after the issuance of this regulation, every hand laundry located in the New York City area shall post on its premises in a place and manner so that it is plainly visible to the purchasing public, a placard or card setting forth the maximum prices established in Appendix B.

(5) Other services supplied by wholesale laundries. Services not listed in Appendix A but performed by wholesale laundries covered by this regulation shall be governed by Maximum Price Regulation No. 165.

(6) Other services supplied by hand laundries. Services not listed in Appendix B but performed by hand laundries covered by this regulation shall be governed by Maximum Price Regulation No. 165.

(7) *Elimination of surcharges.* On and after the effective date of this regulation, all surcharges and percentage charges made to hand laundries by wholesale laundries located in or when selling in the New York City area shall cease and all percentage adjustments granted by the Regional Administrator, Region II, Office of Price Administration, to wholesale laundries located in or when selling in the New York City area are hereby revoked.

On and after the effective date of this regulation, all surcharges and percentage charges made by hand laundries located in the New York City area shall cease and all percentage adjustments granted by the Regional Administrator, Region II, Office of Price Administration, to hand laundries located in the New York City area, are hereby revoked.

(8) *Provision for adjustments.* Any hand laundry located in the New York City area may apply to the New York City District Office within 30 days from the effective date of this regulation for permission to charge the maximum prices established by Maximum Price Regulation No. 165 if such maximum prices for the laundry items of greatest frequency were substantially greater than the maximum prices established herein. Upon the written approval of the New York City District Office, the maximum prices established by Maximum Price Regulation No. 165 may be charged.

This Supplementary Service Regulation No. 20 (§ 1499.672) shall become effective December 1, 1943.

Issued this 1st day of December 1943.

CHESTER BOWLES,
Administrator.

APPENDIX A—SCHEDULE OF PRICES FOR
WHOLESALE LAUNDRIES

Item:	Price (cents)
Shirt.....	9.5
Sheet.....	5
Net (lb.).....	3
Wet wash (lb.).....	3
Pillow case.....	3
Bath towel.....	1.75
Hand towel.....	1.25
Collar—soft.....	2.5
Collar—starched.....	2.5
Bolster.....	9
Mattress cover.....	9
Dress shirt—finished.....	18
Blanket—wool double.....	50
Blanket—wool single.....	30
Blanket—cotton double.....	30
Blanket—cotton single.....	18
Napkin.....	1.25
Table cloth.....	5
Flatwork of wet and flat.....	3.25
Roller towel.....	2
Spread.....	10
Shower sheet.....	5
Apron.....	3
Bed pad.....	10
Table pad.....	10
Bath mat (under 2 lbs.) per lb.....	5
Bath rug (over 2 lbs.) per lb.....	6
Shirt starched rough dry.....	5
Overall.....	10
Coat—work.....	15
Pants—work, khaki, duck.....	15

NOTE: No additional charge of any kind whatsoever may be added to the maximum prices listed in this Appendix A.

APPENDIX B—SCHEDULE OF PRICES FOR HAND
LAUNDRIES

Item:	Price (cents)
Shirts, negligee.....	16
Shirts, collar attached.....	16
Shirts, Polo, sport.....	16
Shirts, dress.....	30
Dickey bosoms.....	16
Collars, soft or starched.....	5
Undershirts, other than wool.....	10
Undershirts, wool.....	15
Shorts.....	10
Drawers, wool.....	15
Pajamas.....	25
Union suits, other than wool.....	20
Union suits, wool.....	30
Socks, pair.....	6
Handkerchiefs.....	3
Overalls.....	30
Unionalls.....	40
Coats, work.....	35
Coats, hand finished.....	50
Pants, work, khaki, duck.....	35
Slacks.....	50
Bathrobes.....	50
Boys' blouse.....	14
Sheets.....	12
Pillow cases.....	6
Face towels.....	5
Kitchen towels.....	5
Bath towels.....	6
Roller towels.....	8
Bolsters.....	20
Napkins.....	5
Luncheon & breakfast cloths, table tops.....	12
Table cloths.....	15
Spreads.....	30
Shower sheets.....	15
Pads, bed or table.....	30
Bath mats (under 2 lbs.).....	15
Blankets, cotton, single.....	35
Blankets, cotton, double.....	75
Blankets, wool, single wholesaler processed.....	60
Blankets, wool, double wholesaler processed.....	100
Bath rugs (over 2 lbs.) per lb.....	15

APPENDIX B—SCHEDULE OF PRICES FOR HAND
LAUNDRIES—Continued

Item—Continued.	Price (cents)
Quilt covers.....	20
Mattress covers.....	20
Uniforms, maids.....	35
Hoover aprons.....	35
Uniforms, nurses.....	55
Smocks.....	40

MAXIMUM PRICES FOR FAMILY LAUNDRY SERVICE
BY THE POUND

Services	Maximum prices
Wet wash, in which all laundry is washed and returned damp.	20 lbs. or less for \$1.10 plus 5¢ for each additional pound.
Wet and flat—thrifty, in which the wearing apparel is washed and returned damp, the flat work is washed and returned finished ready for use.	20 lbs. or less for \$1.10 plus 5¢ for each additional pound for washing. 15 pounds or less of flat work ironed for 90¢ plus 5¢ for each additional pound ironed. If requested, each shirt finished for 9¢ extra.

Rough dried—all flat, in which the wearing apparel, if any, is washed and returned dry, the flat work is washed and returned finished ready for use.

Machine finish, in which both wearing apparel and flat work are washed and returned machine finished, ready for use.

Hand finished (deluxe) in which both wearing apparel and flat work are washed and returned finished, ready for use, with all outer garments of wearing apparel starched where necessary and finished with hand iron.

NOTE: No additional charges of any kind whatsoever may be added to the maximum prices listed in this Appendix B.

[F. R. Doc. 43-19247; Filed, December 1, 1943; 4:24 p. m.]

PART 1340—FUEL

[RPS 88, 1 Amdt. 143]

PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Price Schedule No. 88 is amended in the following respects:

1. Section 1340.159 (c) (3) (xxii) is revoked.

2. The head note of § 1340.159 (c) (5) is amended to read as follows: "Gasoline and fuel oil prices for specified refinery areas."

3. Section 1340.159 (c) (5), including the head note of such section, is renumbered § 1340.159 (c) (5) (i).

4. Section 1340.159 (c) (5) (ii) is added to read as follows:

(ii) *Inland Texas and adjacent inland points.* Maximum prices for petroleum products listed below loaded into Tank Cars, Motor Transports, and Pipe Lines,¹ f. o. b. refineries² located in Texas Panhandle³ West Texas, North Texas, East Texas, and the Shreveport-El Dorado⁴ Areas.

*Copies may be obtained from the Office of Price Administration.

¹ 8 F.R. 3718.

² Products delivered into pipelines for ultimate delivery to War Emergency Pipelines and pipelines with District 1 terminal shall be considered destined for District 1.

³ Column 2 prices apply to all shipping points within the designated areas for shipments to ultimate destinations P. A. W. in District 1.

⁴ For the Texas Panhandle Area Column 1 prices also apply to ultimate destinations in the Counties of Jewell, Mitchell, Lincoln, Ellsworth, Rice, Reno, Kingman, Harper, and all counties west thereof in the State of Kansas.

⁵ For the Shreveport-El Dorado Area Column 1 prices also apply to ultimate destinations in the States of Alabama, Mississippi, Tennessee, and the Counties of Cape Girardeau, Dunklin, Wayne, Pemiscot, Scott, New

	For shipment to ultimate destinations		
	Column 1 Ariz., Ark., Colo., La., N. Mex., Okla., and Texas	Column 2 PAW Dis- trict-1	Column 3 Other States
Gasoline:			
80-82 Oct. ASTM and Ethyl Grade.....	7.00	6.75	6.625
80 Oct. 1939 Research.....	6.25	6.00	6.125
72-74 Oct. ASTM.....	6.00	5.75	5.875
63-66 Oct. ASTM.....	5.625	5.25	5.50
60-62 Oct. ASTM and below.....	5.25	5.00	5.125
Distillate fuel oils and gas oils:			
42-44 Grav. W. W. Kerosene.....	4.50	4.125	4.375
41-43 Grav. W. W. Kerosene.....	4.375	4.125	4.25
Range or Stove Oil.....	4.00	3.875	3.875
No. 1 P. W. Distillate (Fuel Oil).....	3.875	3.875	3.75
No. 1 Straw Fuel Oil.....	3.75	3.75	3.625
No. 2 Fuel Oil.....	3.625	3.625	3.50
Gas Oil, Zero Cold Test (32-36 Gr.).....	3.50	3.50	3.375
Gas Oil, Ordinary.....	3.375	3.375	3.25
Diesel fuels (distillate): ¹			
53 Diesel Index and above.....	4.25	4.25	4.125
53-57 Diesel Index.....	4.125	4.125	4.00
52 Diesel Index and below.....	4.00	4.00	3.875

¹ These prices applicable to diesel fuels when sold for use in diesel engines only.

This amendment shall become effective December 1, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19245; Filed, December 1, 1943;
4:22 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 280, Amdt. 36]

MAXIMUM PRICES FOR SPECIFIC FOOD PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1351.807 (e) is added to read as follows:

Madrid, Butler, Bollinger, Stoddard and Mississippi in the State of Missouri.

The *Texas Panhandle Area* comprises the Counties of Dallam, Sherman, Hansford, Ochiltree, Lipscomb, Hartley, Moore, Hutchinson, Roberts, Hemphill, Oldham, Potter, Carson, Gray, Wheeler, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Farmer, Castro, Swisher, Briscoe, Hall, Childress in the State of Texas.

The *West Texas Area* comprises the Counties of Bailey, Lamb, Hale, Floyd, Motley, Cottle, Hardeman, Foard, Cochran, Hockley, Lubbock, Crosby, Dickens, King, Knox, Yoakum, Terry, Lynn, Garza, Kent, Stone-wall, Haskell, Gaines, Dawson, Borden, Scurry, Fisher, Jones, Andrews, Martin, Howard, Mitchell, Nolan, Taylor, Loving, Winkler, Ector, Midland, Glasscock, Sterling, Coke, Runnels, Coleman, Brown, Mills, Ward, Crane, Upton, Reagan, Irion, Tom Green, Concho, McCulloch, San Saba, Pecos, Terrell, Crockett, Schleicher, Sutton, Menard, Kimble, Mason, Val Verde, Edwards in the State of Texas.

The *North Texas Area* comprises the Counties of Wilbarger, Wichita, Clay, Montague, Cooke, Grayson, Baylor, Archer, Throckmorton, Young, Jack, Wise, Denton, Collin, Shackelford, Stephens, Palo Pinto, Parker, Tarrant, Dallas, Rockwall, Callahan, Eastland, Comanche, Erath, Hood, Somervell, Johnson, Ellis, Hamilton, Bosque, Hill, Navarro, Lampasas, Coryell, McLennan, Limestone, Freestone in the State of Texas.

The *East Texas Area* comprises the Counties of Fannin, Lamar, Red River, Bowie, Hunt, Delta, Hopkins, Franklin, Titus, Camp, Morris, Kaufman, Van Zandt, Rains, Wood, Cass, Smith, Upshur, Marion, Gregg, Harrison, Henderson, Cherokee, Rusk, Panola, Anderson, Nacogdoches, Shelby, Houston, Angelina, Trinity, Polk, Tyler, San Augustine, Sabine, Jasper, Newton in the State of Texas.

The *Shreveport-El Dorado Area* comprises the Counties of Miller, Hempstead, Lafayette, Nevada, Columbia, Ouachita, Calhoun, Union in the State of Arkansas, and the parishes of Caddo, Bossier, Webster, De Soto, Red River in the State of Louisiana.

*8 F.R. 5165, 7566, 6357, 7196, 7599, 7670, 8065, 8180, 9521, 9386, 9883, 10513, 11811, 13060, 13721.

*Copies may be obtained from the Office of Price Administration.

(e) *Other adjustment authority.* Upon the receipt of a directive from the Director of the Office of Economic Stabilization, the Office of Price Administration, or any Regional Office thereof when specifically so authorized in writing by the Administrator, may adjust, in accordance with the terms of such directive, any maximum price established under this Maximum Price Regulation No. 280 for fluid milk sold at wholesale in bulk (other than in glass or paper containers) to stores, hotels, restaurants and institutions, which cannot be adjusted under the provisions of paragraphs (a), (b), (c) and (d) of this § 1351.807.

This amendment shall become effective December 1, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19258; Filed, December 1, 1943;
4:37 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 329, Amdt. 16]

PURCHASES FROM PRODUCERS FOR RESALE AS FLUID MILK

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1351.408 (f) is added to read as follows:

(f) *Further adjustment authority.* Upon the receipt of a directive from the

*8 F.R. 2038, 2874, 3252, 3621, 4726, 5933, 5907, 6737, 8063, 9884, 10731, 13721.

Director of the Office of Economic Stabilization, the Office of Price Administration, or any Regional Office thereof when specifically so authorized in writing by the Administrator, may adjust, in accordance with the terms of such directive, any maximum price established under this Maximum Price Regulation No. 329 for purchases of "milk" from producers which cannot be adjusted under the provisions of paragraphs (a), (b), (c), (d) and (e) of this § 1351.408.

This amendment shall become effective December 1, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19259; Filed, December 1, 1943;
4:37 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 418, Amdt. 19]

FRESH FISH AND SEAFOOD

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 418 is amended in the following respects:

1. In section 20, Table A, the prices per pound for Schedule No. 11 for December are amended to read as follows:

*8 F.R. 9366, 10086, 10513, 10939, 11734, 11687, 12468, 12233, 12688, 13297, 13182, 13302, 14049.

TABLE A—MAXIMUM PRICES FOR PRODUCERS OF FRESH FISH AND SEAFOOD

Schedule No.	Name	Item No.	Style of dressing	Size	Price per pound, December	
					Bulk, ex-vessel	Boxed
11	Pollock (<i>Pollachius virens</i>)	1	Drawn	2½ lbs. up	\$0.07	\$0.08
	Pollock (<i>Pollachius virens</i>)	2	Round	1½ lbs. to 2½ lbs.	.06	.07
	Pollock (<i>Pollachius virens</i>)	3	Round	1½ lbs. to 2½ lbs.	.06	.06
	Pollock (<i>Pollachius virens</i>)	4	Round	Under 1½ lbs.	.03	.04

2. In section 20, Table B, the prices per pound for Schedule No. 11 for December are amended to read as follows:

TABLE B—MAXIMUM PRICES FOR PRIMARY FISH SHIPPER SALES OF FRESH FISH AND SEAFOOD

Schedule No.	Name	Item No.	Style of dressing	Size	Price per pound, December
11	Pollock (<i>Pollachius virens</i>)	1	Drawn	All sizes	\$0.09
		2	Round	Over 2½ lbs.	.08
		3	Round	1½ lbs. to 2½ lbs.	.07
		4	Fillets	All sizes	.21
		5	Dressed	All sizes	.11½
		6	Round	Under 1½ lbs.	.05

3. In section 20, Table C, the prices per pound for Schedule No. 11 for December are amended to read as follows:

TABLE C—MAXIMUM PRICES FOR RETAILER-OWNED COOPERATIVE SALES AND SALES BY WHOLESALERS OTHER THAN PRIMARY FISH SHIPPER WHOLESALERS TO OTHER WHOLESALERS OF FRESH FISH AND SEAFOOD

Schedule No.	Name	Item No.	Style of dressing	Size	Price per pound, December
11	Pollock (<i>Pollachius virens</i>)	1	Drawn	All sizes	\$0.10
		2	Round	Over 2½ lbs.	.09
		3	Round	1½ lbs. to 2½ lbs.	.08
		4	Fillets	All sizes	.23
		5	Dressed	All sizes	.12¾
		6	Round	Under 1½ lbs.	.06

4. In section 20, Table D, the prices per pound for Schedule No. 11 for December are amended to read as follows:

TABLE D—MAXIMUM PRICES FOR CASH AND CARRY SALES OF FRESH FISH AND SEAFOOD

Schedule No.	Name	Item No.	Style of dressing	Size	Price per pound, December
11	Pollock (<i>Pollachius virens</i>)	1	Drawn	All sizes	\$0.11
		2	Round	Over 2½ lbs.	.10
		3	Round	1½ lbs. to 2½ lbs.	.09
		4	Fillets	All sizes	.24
		5	Dressed	All sizes	.13¾
		6	Round	Under 1½ lbs.	.07

5. In section 20, Table E, the prices per pound for Schedule No. 11 for December are amended to read as follows:

TABLE E—MAXIMUM PRICES FOR SERVICE AND DELIVERY SALES OF FRESH FISH AND SEAFOOD

Schedule No.	Name	Item No.	Style of dressing	Size	Price per pound, December
11	Pollock (<i>Pollachius virens</i>)	1	Drawn	All sizes	\$0.13½
		2	Round	Over 2½ lbs.	.12½
		3	Round	1½ lbs. to 2½ lbs.	.11½
		4	Fillets	All sizes	.26½
		5	Dressed	All sizes	.16¾
		6	Round	Under 1½ lbs.	.09½

This amendment shall become effective December 1, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19244; Filed, December 1, 1943; 4:23 p. m.]

PART 1312—LUMBER AND LUMBER PRODUCTS

[MPR 348, 1 Amdt. 21]

LOGS AND BOLTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 348 is amended by the addition of Appendix L, Table 3.

APPENDIX L—STAVE AND HEADING BOLTS
TABLE 3

Area. The States of Arkansas, Illinois, Kentucky, Mississippi, Missouri and Tennessee.

*Copies may be obtained from the Office of Price Administration.
18 F.R. 3670, 5163, 5565, 6356, 8751, 9515, 10023, 11214, 12797, 13337.

Species. The following commercial species: Sweet gum (*Liquidambar styraciflua*), tupelo gum (*Nyssa aquatica*), black gum (*Nyssa sylvatica*), hackberry (*Celtis occidentalis*), beech (*Fagus grandifolia*).

as well as all botanical species of the following genera:

Elm, (*Ulmus*), cottonwood (*Populus*), ash (*Fraxinus*), birch (*Betula*), maple (*Acer*), willow (*Salix*).

and other hardwood species suitable for the manufacture of slack barrel staves.

Scaling and grading rules. The minimum diameter limit for all logs shall be 9 inches measured at the small end. Logs shall be cut into 32-inch lengths unless otherwise specified by the buyer.

The basis for measurement shall be the standard cord of 128 cubic feet. The purchase of units of specifications different from the normal cord specification of 4' x 4' x 8' shall be computed by converting to cubic feet and adjusting the price accordingly.

The grade and species of log herein priced are for the normal woods run of short logs or bolts that are developed from the trees cut and from which no large sized or higher quality short logs have been removed.

Maximum price. \$10.50 per cord of 128 cubic feet f. o. b. cars or delivered to the mill by truck.

If the buyer takes delivery at some place other than on railroad cars or at his plant, the maximum prices must be reduced by either of the following, depending on delivery point.

(1) The cost per cord to the buyer of trucking short logs or bolts to the closest rail siding and loading on cars if delivery to mill is by rail;

(2) The cost to the buyer of trucking short logs or bolts to his plant, if delivery to mill is by truck.

The prices herein will prevail for the sale and purchase of short logs or bolts produced in the area described above and will prevail for all buying plants purchasing short logs or bolts in these areas whether or not the buying plants are located in the area.

This amendment shall become effective December 8, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 2d day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19296; Filed, December 2, 1943; 11:38 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 305, 1 Amdt. 7]

CORN MEAL, CORN FLOUR, CORN GRITS, HOMINY GRITS, BREWERS GRITS AND OTHER PRODUCTS MADE BY A DRY CORN MILLING PROCESS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1351.1766 (d) is amended to read as follows:

(d) "Jobber" (sometimes known as primary jobber) means a person other than a wholesaler or retailer as defined in Maximum Price Regulations 421, 422 or 423, who buys corn products whether in carlots or less than carlots and resells the same to any person.

This amendment shall become effective December 8, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 2d day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19297; Filed, December 2, 1943; 11:38 a. m.]

PART 1372—SEASONAL COMMODITIES

[MPR 298, 3 Amdt. 3]

ROTENONE

A statement of the considerations involved in the issuance of this amendment issued simultaneously herewith has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 298 is amended in the following respects:

1. Section 1372.164 (a) (9) is amended to read as follows:

(9) "Rotenone roots" means roots dug from the ground such as timbo, barbasco, cube or derris root whether whole,

* 8 F.R. 1063, 2501, 3178, 3705, 5316, 6177, 6440, 7567.

* 8 F.R. 365, 5589, 6440.

chopped or ground, except powder as defined in paragraph (4) of this section.

2. Paragraph 1 of § 1372.168 is amended to read as follows:

1. *Powder.* (a) The maximum price, f. o. b. port of entry when sold to a manufacturer by an importer or foreign shipper, shall be (i) for powder containing 5 per cent pure rotenone, 31.5 cents per pound; (ii) for powder containing more than 5 per cent pure rotenone, 31.5 cents per pound plus 6 cents for each 1 per cent (unit) of pure rotenone more than 5 per cent (5 units); and (iii) for powder containing less than 5 per cent pure rotenone, 31.5 cents per pound minus 6 cents for each 1 per cent (unit) of pure rotenone less than 5 per cent (5 units).

(b) The maximum price f. o. b. manufacturer's plant shall be (i) for powder containing 5 per cent pure rotenone, 35 cents per pound; (ii) for powder containing more than 5 per cent pure rotenone, 35 cents per pound plus 6 cents for each 1 per cent (unit) of pure rotenone more than 5 per cent (5 units); (iii) for powder containing less than 5 per cent pure rotenone, 35 cents per pound minus 6 cents for each 1 per cent (unit) of pure rotenone less than 5 per cent (5 units); (iv) for powder in less than 200-pound lots the maximum price determined under (i), (ii) or (iii), plus 10 per cent.

(c) For the purposes of this paragraph 1 of § 1372.168 the pure rotenone content shall be computed to the nearest tenth of one per cent (nearest tenth of one unit).

This amendment shall become effective December 1, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19243; Filed, December 1, 1943;
4:22 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS [MPR 395,¹ Amdt. 9]

MAXIMUM PRICES FOR POULTRY IN THE VIRGIN ISLANDS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 395 is amended in the following respect:

Section 30 is added to read as follows:

SEC. 30. *Maximum prices for local poultry and poultry imported for use in the Virgin Islands of the United States.*

TABLE XVI—MAXIMUM PRICES FOR POULTRY AT BOTH WHOLESALE AND RETAIL

Commodity	Quantity	Island of St. Croix	Island of St. Thomas	Island of St. John
Turkeys.	Per lb. (live weight).	\$0.50	\$0.50	\$0.50

NOTE: The seller may add a service charge for dressing not to exceed 10 cents per turkey.

* Copies may be obtained from the Office of Price Administration.

¹ 8 F.R. 6621, 8873, 9996, 11438, 12661, 13345, 14144.

This amendment shall become effective November 22, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 2d day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19298; Filed, December 2, 1943;
11:39 a. m.]

PART 1499—COMMODITIES AND SERVICES [SR 15,¹ to GMPR, Amdt. 14]

FLUID MILK

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1499.75 (a) (9) (v) is added to read as follows:

(v) *Other adjustment authority.* Upon the receipt of a directive from the Director of the Office of Economic Stabilization, the Office of Price Administration, or any Regional Office thereof when specifically so authorized in writing by the Administrator, may adjust, in accordance with the terms of such directive, any maximum price established under the General Maximum Price Regulation, or Supplementary Regulation 14A (formerly Supplementary Regulation 14) to the General Maximum Price Regulation, for fluid milk sold at retail, and at wholesale in glass or paper containers, which cannot be adjusted under the provisions of subdivisions (i), (ii), (iii) and (iv) of this subparagraph (9).

This amendment shall become effective December 1, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19257; Filed, December 1, 1943;
4:36 p. m.]

PART 1499—COMMODITIES AND SERVICES [MPR 188,² Amdt. 26]

BEDSPRING COVERS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 188 is amended in the following respects:

1. The following items are added to § 1499.166 (b) (1) (Appendix A):

Bedspring covers, including padded or quilted covers designed to cover coil and flat bedsprings.

¹ 7 F.R. 8959, 9819, 10584, 11006; 8 F.R. 1201, 6443, 8614, 9026, 11873, 13255, 13395, 13724, 15197.

² 7 F.R. 5872, 7867, 8943, 10155; 8 F.R. 537, 1815, 1980, 3105, 3788, 3850, 4140, 4931, 5759, 7107, 8751, 8754.

This amendment shall become effective December 8, 1943.

(56 Stat. 23, 765; Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 2d day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19299; Filed, December 2, 1943;
11:38 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 203—BRIDGE REGULATIONS

BRIDGES OVER SPECIFIED ATLANTIC NAVIGABLE WATERWAYS

Pursuant to section 5 of the River and Harbor Act of 18 August 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.405 is hereby superseded and the provisions of § 203.241¹ are hereby extended to include certain bridges across the Savannah River, South Carolina and Georgia, paragraph (f) being amended as follows:

§ 203.241 *Navigable waterways of the United States discharging their waters into the Atlantic Ocean south of and including Chesapeake Bay and the Gulf of Mexico, excepting the Mississippi River and its tributaries; bridges where constant attendance of draw tenders is not required.*

(f) The bridges to which these regulations apply, and the advance notice required in each case, are as follows:

Savannah River, S. C. and Ga.; Atlantic Coast Line Railroad Company bridge near Hardeeville, S. C., and drawbridges upstream thereof. (At least twenty-four hours' advance notice required.)

(Sec. 5, 28 Stat. 362; 33 U.S.C. 499) [Regs. 8 November 1943, CE 800.211 SPEKH² as amended by Regs. 22 November 1943, CE 823.01 SPEKH]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43-19226; Filed, December 1, 1943;
2:59 p. m.]

TITLE 46—SHIPPING

Chapter IV—War Shipping Administration

[G. O. 29, Supp. 6]

PART 341—SHIP WARRANT RULES AND REGULATIONS

SUSPENSION OF RATE CEILINGS

General Order 29 (§ 341.75 *Suspension of rate ceilings with respect to vessels*)

¹ 8 F.R. 15610, 16171.

² 8 F.R. 15610.

of less than 1,000 gross tons), as amended, is amended by striking out the words "December 3, 1943", and inserting in lieu thereof the words "March 3, 1944".

(E.O. 9054, 7 F.R. 837)

[SEAL]

E. S. LAND,
Administrator.

DECEMBER 1, 1943.

[F. R. Doc. 43-19293; Filed, December 2, 1943;
11:03 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bureau of Reclamation.

SILVER LAKE PROJECT, WILLAMETTE
MERIDIAN, OREG.

REVOGATION OF FIRST FORM WITHDRAWAL

NOVEMBER 5, 1943.

The SECRETARY OF THE INTERIOR.

SIR: From recent investigations in connection with the Silver Lake project, the withdrawal of the hereinafter described lands, withdrawn in the first form prescribed by section 3 of the Act of June 17, 1902 (32 Stat. 388) by departmental orders of December 13, 1913 and November 5, 1915, no longer appears necessary to the interests of the project.

It is therefore recommended that so much of said orders as withdrew the lands hereinafter listed be revoked, provided that such revocation shall not affect the withdrawal of any other lands by said orders or affect any other order withdrawing or reserving the lands hereinafter listed.

SILVER LAKE PROJECT

WILLAMETTE MERIDIAN, OREGON

- T. 28 S., R. 13 E.
Sec. 13, W $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 14, S $\frac{1}{2}$;
Sec. 15, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 21, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 22, NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 23, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 24, NW $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 30 S., R. 13 E.
Sec. 24, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 25, NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$.
T. 30 S., R. 14 E.
Sec. 17, S $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 19;
Sec. 20, SE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, SE $\frac{1}{4}$;
Sec. 21, S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 28, W $\frac{1}{2}$ E $\frac{1}{2}$, W $\frac{1}{2}$;
Secs. 29 and 30;
Sec. 31, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 32;
Sec. 33, N $\frac{1}{2}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 34, W $\frac{1}{2}$ W $\frac{1}{2}$.
T. 31 S., R. 14 E.
Sec. 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, SE $\frac{1}{4}$;
Sec. 5;
Sec. 6, E $\frac{1}{2}$ E $\frac{1}{2}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 7, E $\frac{1}{2}$ E $\frac{1}{2}$;
Sec. 8, N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 9, N $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$.

Respectfully,

WILLIAM E. WARNE,
Acting Commissioner.

I concur: November 19, 1943.

FRED W. JOHNSON,
Commissioner of the
General Land Office.

The foregoing recommendation is hereby approved, and it is so ordered. The Commissioner of the General Land Office is hereby authorized and directed to cause the records of his office and of the local land office to be noted accordingly.

MICHAEL W. STRAUS,
First Assistant Secretary.

NOVEMBER 23, 1943.

[F. R. Doc. 43-19292; Filed, December 2, 1943;
11:01 a. m.]

Coal Mines Administration.

[Order CMA-4]

A AND A COAL CO., ET AL.

ORDER TERMINATING GOVERNMENT POSSESSION

DECEMBER 1, 1943.

I have been advised that no strikes or stoppages have occurred since October 25 or are threatened in the coal mines of the mining companies listed in Appendix A. Based on such advice, and after consideration of all the circumstances, I find that the possession by the Government of such mines is not required for the furtherance of the war program.

Accordingly, I order and direct that the possession by the Government of the mines of the mining companies listed in Appendix A, attached hereto and made a part hereof, including any and all real and personal property, franchises, rights, facilities, funds, and other assets used in connection with the operation of such mines be, and it is hereby, terminated and that there be conspicuously displayed at those mining properties copies of a poster to be supplied by the Coal Mines Administration and reading as follows:

NOTICE: Government possession and control of the coal mines of this mining company have been terminated by order of the Secretary of the Interior.

Provided, however, That nothing contained herein shall be deemed to preclude the Government from requiring the submission of information relating to operations during the period of Government possession and control as provided in section 40 of the Regulations for the Operation of Coal Mines under Government Control, as amended (8 F.R. 6655, 10712, 11344), for the purpose of ascertaining the existence and amount of any claims against the United States so that the administration of the provisions of Executive Order No. 9393 (8 F.R. 14877) may be concluded in an orderly manner: And provided further, That except as otherwise ordered, the appointments of the Operating Managers for the mines of the companies listed in Appendix A shall continue in effect.

HAROLD L. ICKES,
Secretary of the Interior.

APPENDIX A

Name of Mining Company and Address

1. A. & A. Coal Company, East Palestine, Ohio.
2. Joe Addis & Son, Ironton, Ohio.
3. Allen Coal Company, Providence, Ky.
4. Appleby Coal and Mining Company, Melbourne, Mo.
5. Athens Coal Company, Cheshire, Ohio.
6. Bertha Jellico Coal Company, Gray, Ky.
7. Big Six Coal Company, Inc., Hamilton, Iowa.
8. Blakesburg Deep Vein Coal Company, Blakesburg, Iowa.
9. Blue Crystal Mines, Inc., Millersburg, Ohio.
10. Bradley Bros. Coal Company, 1930 Robinson Street, Knoxville, Iowa.
11. The C. & M. Coal Company, 407 Federal Building, Youngstown, Ohio.
12. Carnegie-Illinois Steel Corporation, No. 1 Library Place, Duquesne, Pa.
13. Casady Coal Company, Exline, Iowa.
14. Congress Coal Company, Zanesville, Ohio.
15. M. F. Crawford, R. D. No. 1, Volant, Pa.
16. East Fairfield Coal Co., Columbiana, Ohio.
17. Elm Creek Coal Company, 310 Main Street, Pella, Iowa.
18. The Finzer Brothers Clay Company, Sugar Creek, Ohio.
19. Fisher's Coal Mines, 1318 Market Street, Williamsport, Pa.
20. Gibb Coal Company, 310 So. Main Street, Albion, Iowa.
21. Goode Coal Company, London, Ky.
22. Hardscrabble Coal Company, P. O. Box 506, Helper, Utah.
23. Hawkeye Coal Company, 1219 Southern Surety Building, Des Moines, Iowa.
24. Hill Coal Company, Newburgh, Ind.
25. M. C. Hobart Coal Company, Middleport, Ohio.
26. Holbein Coal Company, Zanesville, Ohio.
27. H. C. Jacobs, Coshocton, Ohio.
28. James Bros. Coal Company, Magnolia, Ohio.
29. Leeper Coal Company, 506 Plaza Building, Pittsburgh, Pa.
30. Monroe Coal Company, Box No. 35, Otsego, Ohio.
31. Mt. Nebo Coal Company, Boonville, Ind.
32. Mt. Perry Coal Company, Zanesville, Ohio.
33. New Long Ridge Coal Company, Pineville, Ky.
34. Newport Coal Company, Uhrichsville, Ohio.
35. New Southland Coal Corporation, Elys, Ky.
36. Osborne Mining Company, c/o Mr. C. J. Osborne, Corbin, Ky.
37. Peacock Coal Company, Pomeroy, Ohio.
38. Peterson Coal Company, Deerfield, Ohio.
39. Princess Pat Coal Company, Middleport, Ohio.
40. Shaffer & Cuppett Coal Company, Mountain Lake Park, Md.
41. Sheban Mining Company, 704 Realty Building, Youngstown, Ohio.
42. Sotok & Campbell, Box 43, Morrisdale, Pa.
43. B. F. Spence Coal Company, 294 N. Mulbury St., Mansfield, Ohio.
44. Squires & Ebler Coal Company, Boonville, Ind.
45. Tilloston Coal Company, Ottumwa, Iowa.
46. Transue & Williams Steel Forging Corporation, Alliance, Ohio.
47. Waterloo Coal Company, Oak Hill, Ohio.
48. White Ash Mining Company, Inc., Albion, Iowa.

49. Youngstown Sheet & Tube Company, Youngstown, Ohio.
50. Zacherl Coal Company, 327 S. Main Street, Titusville, Pa.

[F. R. Doc. 43-19279; Filed, December 2, 1943; 10:47 a. m.]

General Land Office.

[Air-Navigation Site Withdrawal 211]

WYOMING

ORDER WITHDRAWING PUBLIC LANDS FOR USE OF CIVIL AERONAUTICS ADMINISTRATION

By virtue of the authority contained in section 4 of the act of May 24, 1928, 45 Stat. 729 (U.S.C., title 49, sec. 214), it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Wyoming are hereby withdrawn from all forms of appropriation under the public-land laws and reserved for the use of the Civil Aeronautics Administration, Department of Commerce, in the maintenance of air-navigation facilities, the reservation to be known as Air-Navigation Site Withdrawal No. 211:

SIXTH PRINCIPAL MERIDIAN

T. 21 N., R. 116 W.,
Sec. 2, lot 28;
Sec. 3, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 10, lots 1, 2, 3, 8, 9, 10, 11, and NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 11, lots 4, 5, 6, 7, 8, 12, 13, and 14.
The areas described aggregate 390.11 acres.

This order shall take precedence over, but shall not modify, the order of the Acting Secretary of the Interior dated October 31, 1936, establishing Wyoming Grazing District No. 4, so far as it affects the above-described lands.

HAROLD L. ICKES,
Secretary of the Interior.

NOVEMBER 26, 1943.

[F. R. Doc. 43-19291; Filed, December 2, 1943; 11:01 a. m.]

LABOR DEPARTMENT.

Office of the Secretary.

[Finding No. WLD-10]

HAROLDS TRANSFER CO., ET AL.

TRANSPORTATION OF WAR GOODS AND COMMODITIES

In the matter of Harolds Transfer Company, Keck Motor Service, Meadows Transfer, Inc., Ruan Transportation Company and J. H. Simpson & Sons; Des Moines, Iowa (Case S-438).

Whereas, Harolds Transfer Company, Keck Motor Service, Meadows Transfer, Inc., Ruan Transportation Company, and J. H. Simpson & Sons, all of Des Moines, Iowa, are engaged in transportation of goods and commodities for use by war contractors in and around Des Moines, Iowa;

Now, therefore, pursuant to section 2 (b) (3) of the War Labor Disputes Act (Pub. No. 89, 78th Cong., 1st sess.) and the Directive of the President dated August 10, 1943, published in the FEDERAL REGISTER August 14, 1943,

I find that the transportation by motor vehicle of goods and commodities by Harolds Transfer Company, Keck Motor Service, Meadows Transfer, Inc., Ruan Transportation Company, and J. H. Simpson & Sons, all of Des Moines, Iowa, pursuant to contracts with war contractors in and around Des Moines, Iowa, is contracted for in the prosecution of the war within the meaning of section 2 (b) (3) of the War Labor Disputes Act.

Signed at Washington, D. C. this 1st day of December 1943.

FRANCES PERKINS,
Secretary of Labor.

[F. R. Doc. 43-19294; Filed, December 2, 1943; 11:26 a. m.]

[Finding No. WLD-11]

NEW ENGLAND TRANSPORTATION CO.

TRANSPORTATION OF MAIL, PARCEL POST AND NEWSPAPERS

In the matter of New England Transportation Company, Boston, Massachusetts (Case S-513).

Whereas, the New England Transportation Company, Boston, Massachusetts, is engaged in the transportation by motor vehicle of first-class and special delivery mail, special handling parcel post and newspapers between Norwood and Wrentham, Massachusetts, pursuant to contract with the United States Post Office Department dated July 1, 1943;

Now, therefore, pursuant to section 2 (b) (3) of the War Labor Disputes Act (Pub. No. 89, 78th Cong., 1st sess.) and the Directive of the President dated August 10, 1943, published in the Federal Register August 14, 1943;

I find that the transportation by motor vehicle of first-class and special delivery mail, special handling parcel post and newspapers by the New England Transportation Company, Boston, Massachusetts, pursuant to its contract with the United States Post Office Department, is contracted for in the prosecution of the war within the meaning of section 2 (b) (3) of the War Labor Disputes Act.

Signed at Washington, D. C., this 1st day of December 1943.

FRANCES PERKINS,
Secretary of Labor.

[F. R. Doc. 43-19295; Filed, December 2, 1943; 11:26 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 10 Under 19a of GMPR]

COMMON AND FACE BRICK

ORDER AUTHORIZING ADJUSTABLE PRICES

A petition has been filed by several brick manufacturers with plants located in the State of New Jersey for an amendment to Maximum Price Regulation No. 188, as amended, to increase the presently established maximum prices under that regulation for common and face brick. This order is applicable only to manufacturers of such brick with plants located in the State of New Jersey.

It has been shown that authority to use adjustable pricing pending action on the petition for amendment is necessary to promote the production and distribution of common and face brick in the State of New Jersey and that such authority will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328. Therefore, in accordance with § 1499.19a of the General Maximum Price Regulation, which is made a part of Maximum Price Regulation No. 188, as amended, by incorporation; *It is hereby ordered:*

(a) Pending final determination by the Office of Price Administration on the petition for amendment now on file, manufacturers of common and face brick located in the State of New Jersey are hereby authorized to sell and deliver, and to offer to sell and deliver, common and face brick at prices not in excess of the maximum price established in accordance with Maximum Price Regulation No. 188, as amended: *Provided however*, That offers to sell, sales, and deliveries may be made at prices adjustable to those resulting from final action taken by the Office of Price Administration upon the petition for amendment. Manufacturers who avail themselves of the adjustable pricing authority permitted under this order may not receive and purchasers may not pay an amount in excess of maximum prices permitted by Maximum Price Regulation No. 188, as amended, unless and until final action is taken by the Office of Price Administration establishing maximum prices in excess of those presently in effect.

(b) This order shall be automatically revoked upon the establishment by the Office of Price Administration of maximum prices for common and face brick produced by manufacturers with plants located in the State of New Jersey higher than the maximum prices now prevailing, or upon denial of the petition for amendment. This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective December 2, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19261; Filed, December 1, 1943; 4:34 p. m.]

[RMPR 148, Amdt. 4 to Order 33]

DRESSED HOGS AND WHOLESALE PORK CUTS ARIZONA DESIGNATED AS CRITICAL AREA

Amendment 4 to Order No. 33 under Revised Maximum Price Regulation No. 148.

The second paragraph of Order No. 33 under Revised Maximum Price Regulation No. 148 is amended to read as follows:

This designation shall remain in effect to and including February 1, 1944, unless

sooner terminated or unless extended by amendment to this order.

This amendment shall become effective December 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19274; Filed, December 1, 1943;
4:36 p. m.]

[RMPR 148, Amdt. 3 to Order 34]

SAN DIEGO AND IMPERIAL COUNTIES, CALIF.

DESIGNATION OF CRITICAL MEAT SHORTAGE
AREAS

Amendment 3 to Order No. 34 Under Revised Maximum Price Regulation No. 148. Dressed hogs and wholesale pork cuts.

The second paragraph of Order No. 34 under Revised Maximum Price Regulation No. 148 is amended to read as follows:

This designation shall remain in effect to and including February 1, 1944, unless sooner terminated or unless extended by amendment to this order.

This amendment shall become effective December 1, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19273; Filed, December 1, 1943;
4:36 p. m.]

[RMPR 148, Amdt. 3 to Order 35]

STATE OF NEVADA

DESIGNATION OF CRITICAL MEAT SHORTAGE
AREA

Amendment 3 to Order No. 35 under Revised Maximum Price Regulation No. 148. Dressed hogs and wholesale pork cuts.

The second paragraph of Order No. 35 under Revised Maximum Price Regulation No. 148 is amended to read as follows:

This designation shall remain in effect to and including February 1, 1944, unless sooner terminated or unless extended by amendment to this order.

This amendment shall become effective December 1, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9350, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19272; Filed, December 1, 1943;
4:36 p. m.]

No. 240—5

[RMPR 148, Amdt. 4 to Order 36]

NEW MEXICO AND CERTAIN COUNTIES IN
TEXAS

DESIGNATION AS CRITICAL MEAT SHORTAGE
AREAS

Amendment 4 to Order No. 36 under Revised Maximum Price Regulation No. 148. Dressed hogs and wholesale pork cuts.

The second paragraph of Order No. 36 under Revised Maximum Price Regulation No. 148 is amended to read as follows:

This designation shall remain in effect to and including February 1, 1944, unless sooner terminated or unless extended by amendment to this order.

This amendment shall become effective December 1, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19271; Filed, December 1, 1943;
4:35 p. m.]

[RMPR 169, Amdt. 4 to Order 28]

BEEF AND VEAL CARCASSES AND WHOLESALE
CUTS

ARIZONA DESIGNATED AS CRITICAL AREA

Amendment 4 to Order No. 28 under Revised Maximum Price Regulation No. 169.

The second paragraph of Order No. 28 under Revised Maximum Price Regulation No. 169 is amended to read as follows:

This designation shall remain in effect to and including February 1, 1944, unless sooner terminated or unless extended by an amendment to this order.

This amendment shall become effective December 1, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of December 1943.

CHESTER BOWLES,
Administrator

[F. R. Doc. 43-19270; Filed, December 1, 1943;
4:35 p. m.]

[RMPR 169, Amdt. 3 to Order 30]

SAN DIEGO AND IMPERIAL COUNTIES, CALIF.

DESIGNATION OF CRITICAL MEAT SHORTAGE
AREA

Amendment 3 to Order No. 30 under Revised Maximum Price Regulation No. 169. Beef and veal carcasses and wholesale cuts.

The second paragraph of Order No. 30 under Revised Maximum Price Regulation No. 169 is amended to read as follows:

This designation shall remain in effect to and including February 1, 1944, unless

sooner terminated or unless extended by an amendment to this order.

This amendment shall become effective December 1, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19269; Filed, December 1, 1943;
4:35 p. m.]

[RMPR 169, Amdt. 3 to Order 32]

STATE OF NEVADA

DESIGNATION OF CRITICAL MEAT SHORTAGE
AREA

Amendment 3 to Order No. 32 under Revised Maximum Price Regulation No. 169. Beef and veal carcasses and wholesale cuts.

The second paragraph of Order No. 32 under Revised Maximum Price Regulation No. 169 is amended to read as follows:

This designation shall remain in effect to and including February 1, 1944, unless sooner terminated or unless extended by an amendment to this order.

This amendment shall become effective December 1, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9350, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19268; Filed, December 1, 1943;
4:35 p. m.]

[RMPR 169, Amdt. 4 to Order 33]

NEW MEXICO AND CERTAIN COUNTIES IN
TEXAS

DESIGNATION AS CRITICAL MEAT SHORTAGE
AREAS

Amendment 4 to Order No. 33 under Revised Maximum Price Regulation No. 169. Beef and veal carcasses and wholesale cuts.

The second paragraph of Order No. 33 under Revised Maximum Price Regulation No. 169 is amended to read as follows:

This designation shall remain in effect to and including February 1, 1944, unless sooner terminated or unless extended by an amendment to this order.

This amendment shall become effective December 1, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of December, 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19262; Filed, December 1, 1943;
4:35 p. m.]

[RMPR 239, Amdt. 4 to Order 1]

LAMB AND MUTTON CARCASSES AND CUTS AT
WHOLESALE AND RETAIL

ARIZONA DESIGNATED AS CRITICAL AREA

Amendment 4 to Order No. 1 under Revised Maximum Price Regulation No. 239.

The second paragraph of Order No. 1 under Revised Maximum Price Regulation No. 239 is amended to read as follows:

This designation shall remain in effect to and including February 1, 1944, unless sooner terminated or unless extended by an amendment to this order.

This amendment shall become effective December 1, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19266; Filed December 1, 1943;
4:35 p. m.]

[RMPR 239, Amdt. 3 to Order 2]

SAN DIEGO COUNTY, CALIF.

DESIGNATION AS CRITICAL MEAT SHORTAGE
AREA

Amendment 3 to order No. 2 under Revised Maximum Price Regulation No. 239. Lamb and mutton carcasses and cuts at wholesale and retail.

The second paragraph of Order No. 2 under Revised Maximum Price Regulation No. 239 is amended to read as follows:

This designation shall remain in effect to and including February 1, 1944, unless sooner terminated or unless extended by amendment to this order.

This amendment shall become effective December 1, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19265; Filed, December 1, 1943;
4:35 p. m.]

[RMPR 239, Amdt. 4 to Order 3]

NEW MEXICO AND CERTAIN COUNTIES IN
TEXASDESIGNATION AS CRITICAL MEAT SHORTAGE
AREA

Amendment 4 to Order No. 3 Under Revised Maximum Price Regulation No. 239. Lamb and mutton carcasses and cuts at wholesale and retail.

The second paragraph of Order No. 3 under Revised Maximum Price Regula-

tion No. 239 is amended to read as follows:

This designation shall remain in effect to and including February 1, 1944, unless sooner terminated or unless extended by amendment to this order.

This amendment shall become effective December 1, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19264; Filed, December 1, 1943;
4:35 p. m.]

[RMPR 239, Amdt. 3 to Order 4]

STATE OF NEVADA

DESIGNATION AS CRITICAL MEAT SHORTAGE
AREA

Amendment 3 to Order No. 4 under Revised Maximum Price Regulation No. 239. Lamb and mutton carcasses and cuts at wholesale and retail.

The second paragraph of Order No. 4 under Revised Maximum Price Regulation No. 239 is amended to read as follows:

This designation shall remain in effect to and including February 1, 1944, unless sooner terminated or unless extended by amendment to this order.

This amendment shall become effective December 1, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of December, 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19263; Filed, December 1, 1943;
4:35 p. m.]

Regional and District Office Orders.

[Arkansas Order 1 Under Restaurant MPR
5-10]

FOOD AND DRINK FOR IMMEDIATE CONSUMPTION
IN PULASKI COUNTY, ARK.

Order No. 1 under Restaurant Maximum Price Regulation No. 5-10. Food and drink sold for immediate consumption. Specific prices for certain food items and meals.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority reserved in the District Director of the Arkansas District Office of Region V by section 22 of Restaurant Maximum Price Regulation No. 5-10, it is hereby ordered:

SECTION 1. Purpose of order. It is the purpose of this order to establish specific maximum prices for certain food items,

beverages and certain meals sold by eating or drinking places covered by Restaurant Maximum Price Regulation No. 5-10 in Pulaski County, Arkansas, except boarding houses.

SEC. 2. Your ceiling prices. Your ceiling prices for the food items listed in Appendix A and for the meals required to be served by section 4 are the prices entered in Appendix A for the group of eating or drinking places to which your establishment belongs. The meals are further described in Appendix B. The ceiling prices listed in Appendix A will prevail over the prices established under Restaurant Maximum Price Regulation No. 5-10 for these food items or meals. Your ceiling prices for all other food items or meals will continue to be those established under Restaurant Maximum Price Regulation No. 5-10. Lower prices than those established by Appendix A may, of course, be charged.

SEC. 3. Classifications.—(a) The groups. This order classifies eating or drinking places into nine groups and establishes ceiling prices applicable to each group. The groups are as follows:

(1) Any eating or drinking place operated by or in connection with a drug store belongs to Group A.

(2) Any eating or drinking place, other than those operated by or in connection with a drug store, belongs to either Group B or Group C if it derives the greatest percentage of its dollar volume of business from sales of sandwiches and drinks. It belongs to Group B if the prices which it charged during the seven-day period from April 4 to April 10, 1943, correspond more closely to the ceiling prices listed in Appendix A or Group B places than they do to the ceiling prices listed in Appendix A for Group C places. Conversely, it belongs to Group C if its April 4-10 prices correspond more closely to the Group C than to Group B ceiling prices.

(3) Any other eating or drinking place belongs to either Group D, Group E, Group F, Group G, Group H, or Group I. It belongs to Group D if the prices which it charged during the seven-day period from April 4 to April 10, 1943, correspond most closely to the ceiling prices listed in Appendix A for Group D places; to Group E if its April 4-10 prices correspond most closely to the ceiling prices established for that Group; to Group F if its April 4-10 prices correspond most closely to the ceiling prices established for Group F; to Group G if its April 4-10 prices correspond most closely to the ceiling prices established for Group G; to Group H if its April 4-10 prices correspond most closely to the ceiling prices established for Group H; and to Group I if its April 4-10 prices correspond most closely to the ceiling prices established for Group I.

(4) Any eating or drinking place which during the period April 4-10, 1943, did not sell any items contained in Appendix A shall be in the same group as other establishments in the vicinity having substantially the same clientele, the same service and the same quality of food.

(b) *Determination.* The District Director of the Office of Price Administration will determine the Group to which your eating or drinking place belongs and will notify you of his determination. If, however, you have received no such notice by the effective date of this order or by the date when your place is first open, whichever is later, you must immediately inform the District Director and request him to determine your proper classification. When you have made such a request you may sell at the ceiling prices for the Group to which you believe your place belongs under the terms of paragraph (a), until such time as the District Director notifies you of your proper classification. If you fail to request the District Director to determine your proper classification, your eating or drinking place is automatically classified in Group D, and you must not charge prices higher than the ceiling prices established for this Group.

(c) *Review of determination.* If you believe you have been improperly classified by the District Director you may apply for a reconsideration of his determination. Your application must be filed within thirty days after you receive notice of the classification.

SEC. 4. Duty to serve certain meals.

(a) If you serve noon-day luncheons, whether table d'hôte or a la carte, and if your place belongs to a group for which a noon-day luncheon price is listed in Appendix A, you must offer each day except Sunday at or below the price so listed at least two different luncheon selections of a content and quality equal or superior to the luncheons described in Appendix B. You may quote the price for these two luncheon selections either as a table d'hôte price for the complete luncheon or as a la carte prices for each item entering into the luncheon. However, if you quote prices for each item separately, the sum of these prices must not be more than the price listed in Appendix A for the complete luncheon.

(b) If during the seven-day period from April 4-10, 1943, your establishment served no luncheons other than specialty meals such as steak dinners, chicken dinners, barbecued beef, or Mexican and Chinese dishes, you may apply to the District Director for relief from the obligation to serve the meals described in Appendix B.

SEC. 5. *Posting.* (a) In addition to the posting required by Restaurant MPR No. 5-10, you must post in a conspicuous place your classification as determined by the District Director and a copy of the prices applicable to your establishment under this order.

(b) If you have been relieved of the necessity of serving noon-day luncheons under section 4 of this order, you must post in a conspicuous place in your establishment the certificate of the Director relieving you of that necessity.

SEC. 6. *Definitions.* (a) "Noon-day luncheon" means any entree or main dish served separately or in combination with

other food items or beverages as a mid-day meal, every day except Sunday.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, the General Maximum Price Regulation, and Restaurant Maximum Price Regulation No. 5-10, shall apply to the other terms used herein.

This order shall become effective November 17, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; Gen. Order 50, 8 F.R. 4808)

Issued at Little Rock, Arkansas, this 9th day of November 1943.

ROBERT P. HALL,
District Director.

APPENDIX A

Food item or meal	Group								
	A	B	C	D	E	F	G	H	I
Luncheons:									
Noon luncheon.....				\$0.30	\$0.35	\$0.40	\$0.45	\$0.50	\$0.65
Vegetable luncheon.....				.30	.35	.35	.40	.40	.60
Breakfast items:									
Cereal—with milk or half and half.....	\$0.15	\$0.15	\$0.15	.15	.15	.15	.15	.15	.20
Toast.....	.10	.10	.10	.10	.10	.10	.10	.10	.10
1 egg—toast and coffee.....	.25	.20	.25	.20	.20	.25	.25	.25	.30
2 Eggs—toast and coffee.....	.35	.30	.35	.30	.30	.30	.35	.35	.40
Bacon, ham or sausage with 1 egg, toast and coffee.....	.35	.30	.35	.35	.35	.35	.40	.40	.45
Bacon, ham or sausage with 2 eggs, toast and coffee.....	.45	.40	.45	.40	.45	.45	.50	.50	.55
Hot cakes.....	.15	.15	.20	.20	.20	.20	.20	.20	.20
Orange juice.....	.10	.10	.10	.10	.10	.10	.10	.10	.15
Tomato juice.....	.10	.10	.10	.10	.10	.10	.10	.10	.15
Grapefruit juice.....	.10	.10	.10	.10	.10	.10	.10	.10	.15
Sandwiches:									
Bacon & tomato.....	.25	.20	.25	.20	.25	.25	.25	.25	.35
Lettuce & tomato.....	.15	.15	.20	.15	.20	.20	.20	.20	.25
Barbecue—beef or pork.....	.20	.20	.25	.20	.20	.20	.20	.20	.25
American cheese.....	.15	.15	.20	.15	.15	.15	.15	.15	.25
Beef or pork.....	.20	.15	.20	.15	.20	.20	.20	.20	.25
Fried, baked, or boiled ham.....	.20	.15	.20	.20	.20	.20	.20	.20	.30
Goose liver.....	.20	.15	.20	.15	.15	.20	.20	.20	.25
Chicken salad.....	.20	.20	.25	.20	.20	.25	.25	.25	.35
Hamburger.....	.15	.10	.15	.10	.15	.15	.15	.15	.20
Egg.....	.15	.10	.15	.10	.15	.15	.15	.15	.20
Hot Beef with potatoes.....	.30	.25	.30	.25	.30	.30	.35	.35	.50
Beverages:									
Coffee.....	.05	.05	.05	.05	.05	.05	.05	.05	.05
Tea.....	.05	.05	.05	.05	.05	.05	.05	.05	.10
Iced tea.....	.05	.05	.10	.05	.05	.05	.10	.10	.10
Iced coffee.....	.05	.05	.10	.05	.05	.05	.10	.10	.10
Sweet milk (½ pint).....	.06	.06	.06	.06	.06	.06	.06	.06	.06
Buttermilk.....	.05	.05	.05	.05	.05	.05	.05	.05	.06
Fountain items:									
Malted milk.....	.20	.20	.20	.20	.20	.20	.20	.20	.25
Milk shake.....	.15	.15	.15	.15	.15	.15	.15	.15	.20
Ice cream soda.....	.15	.15	.15	.15	.15	.15	.15	.15	.20
Ice cream sundae.....	.20	.15	.20	.15	.15	.15	.20	.20	.25
Dish of ice cream.....	.10	.10	.10	.10	.10	.10	.10	.10	.15
Milk chocolate with ice cream.....	.10	.10	.10	.10	.10	.10	.10	.10	.10
Soup, Pie, Rolls, etc.:									
Home-made soup with bread or crackers.....	.15	.15	.15	.15	.15	.15	.15	.15	.20
Canned soup with bread or crackers.....	.20	.20	.20	.20	.20	.20	.20	.20	.25
Chili with bread or crackers.....	.20	.15	.20	.15	.20	.20	.20	.20	.20
Pie.....	.10	.10	.10	.10	.10	.10	.10	.10	.15
Cake.....	.10	.10	.10	.10	.10	.10	.10	.10	.15
Fried pies.....	.06	.05	.05	.05	.05	.05	.05	.05	.10
Doughnuts (2).....	.05	.05	.05	.05	.05	.05	.05	.05	.05
Plain roll.....	.05	.05	.05	.05	.05	.05	.05	.05	.05
Toasted roll.....	.10	.10	.10	.10	.10	.10	.10	.10	.10

APPENDIX B¹

DESCRIPTION OF ITEMS

Noon-Day Luncheon Combination

Choice of One Entree

1. Hamburger steak
2. Meat Loaf (ham, veal, etc.)
3. Chicken fried steak
4. Roast beef
5. Roast pork
6. Beef stew
7. Fillet of perch
8. Cat fish
9. Chicken and dumplings
10. Chicken pie
11. Chicken a la king
12. Liver and onions
13. Croquettes (ham, chicken or salmon)
14. Short ribs

¹ This appendix does not apply to noon-day luncheons served on Sunday.

15. Barbecued beef or pork
Choice of 2 vegetables—one of which may be potatoes. Bread and Butter. Drink.

Vegetable Luncheon

Choice of 4 vegetables or 3 vegetables and Salad. Bread and Butter. Drink.

[F. R. Doc. 43-19198; Filed, November 30, 1943; 4:46 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Order 51 were filed with the Division of the Federal Register on November 30, 1943.

REGION III

Grand Rapids, Order No. F-1, Amendment No. 1, filed 4:25 p. m.

Grand Rapids, Order No. F-1, Amendment No. 2, filed 4:25 p. m.

Grand Rapids, Order No. F-1, Amendment No. 3, filed 4:25 p. m.

REGION IV

Richmond, Order No. 12, filed 4:25 p. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 43-19253; Filed, December 1, 1943;
4:24 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Order 51 were filed with the Division of the Federal Register on November 29, 1943.

REGION III

Cincinnati, Order No. 1-F, Amendment No. 5, filed 3:36 p. m.

Detroit, Order No. 6, Amendment No. 1, filed 3:37 p. m.

Detroit, Order No. 7, Amendment No. 1, filed 3:37 p. m.

REGION IV

Memphis, Order No. 12, filed 3:44 p. m.

Montgomery, Order No. 12, Amendment No. 9, filed 3:36 p. m.

Montgomery, Order No. 13, Amendment No. 3, filed 3:36 p. m.

Richmond, Order No. 11, filed 3:44 p. m.

REGION VI

Des Moines, Order No. 8, Amendment No. 1, filed 3:37 p. m.

Fargo-Moorhead, Order No. 17, filed 3:36 p. m.

Fargo-Moorhead, Order No. 18, filed 3:43 p. m.

Peoria, Order No. 6, Amendment No. 2, filed 3:44 p. m.

Twin Cities, Order No. 3, Amendment No. 7, filed 3:35 p. m.

REGION VIII

Los Angeles, San Bernardino-1, Amendment No. 15, filed 3:38 p. m.

Los Angeles, San Bernardino-1, Amendment No. 16, filed 3:37 p. m.

Los Angeles, Santa Barbara-1, Amendment No. 13, filed 3:38 p. m.

Los Angeles, Santa Barbara-1, Amendment No. 14, filed 3:43 p. m.

Los Angeles, Los Angeles-4, Amendment No. 18, filed 3:38 p. m.

Los Angeles, Los Angeles-9, filed 3:43 p. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 43-19254; Filed, December 1, 1943;
4:25 p. m.]

RAILROAD RETIREMENT BOARD.

[Jurisdictional Docket No. 23]

SOUTHERN PACIFIC CO. AND MORRISON-
KNUDSEN CO., INC.

POSTPONEMENT OF HEARING

Employee status of individuals performing service under certain agreements of the Southern Pacific Company, San Francisco, California, with the Morrison-Knudsen Company, Inc., Boise, Idaho.

Notice is hereby given to all persons interested that upon the request of one of the parties and pursuant to the authority vested in me by Order of the General Counsel Designating Examiner (8 F.R. 15804), the hearing in the above-entitled matter which has been set (8 F.R. 15804) for December 6, 1943, at 10:00 a. m., Grand Jury Room No. 449, 4th floor, Post Office and Court House Building, Seventh and Mission Streets, San Francisco, California, is postponed to January 13, 1944.

Dated: November 29, 1943.

JACOB ABRAMSON,
Examiner.

[F. R. Doc. 43-19222; Filed, December 1, 1943;
12:14 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 54-79, 59-52]

NIAGARA HUDSON POWER CORP., ET AL.

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 30th day of November 1943.

In the matter of Niagara Hudson Power Corporation, Buffalo, Niagara and Eastern Power Corporation, Applicants, File No. 54-79. Niagara Hudson Power Corporation and its subsidiary companies, Respondents, File No. 59-52.

The Commission having previously designated December 7, 1943 as the date for hearing in the above consolidated proceeding involving the application of Niagara Hudson Power Corporation and Buffalo, Niagara and Eastern Power Corporation, under section 11 (e) of the Public Utility Holding Company Act of 1935 for approval of a "Plan of Reorganization of the Niagara Hudson System" and the proceeding instituted by the Commission under sections 11 (b) (2), 12 (c), 12 (f), 15 (f) and 20 (a) of said act with respect to said Niagara Hudson Power Corporation and its subsidiary companies; and

The Commission having been advised that the proceeding before the New York State Public Service Commission in respect of said "Plan of Reorganization" is still in progress, and applicants having requested that the Commission postpone the date for hearing to January 18, 1944; and the Commission deeming its appropriate under the circumstances to grant said request;

It is ordered, That the hearing in this matter previously scheduled for December 7, 1943, at 10:00 a. m., e. w. t., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, be, and hereby is, postponed to January 18, 1944, at the same hour and place and before the same Trial Examiner as heretofore designated.

It is further ordered, That the time within which any person desiring to be

heard or otherwise to participate in the above proceeding shall file his request or application therefor with the Secretary of the Commission, as provided by Rule XVII of the Commission's Rules of Practice, be, and the same hereby is, extended to January 13, 1944.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-19227; Filed, December 1, 1943;
2:59 p. m.]

[File Nos. 70-646, 59-63]

UTAH POWER & LIGHT CO., ET AL.

ORDER GRANTING ADJUSTMENTS AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 29th day of November, A. D. 1943

In the matter of Utah Power & Light Company, Utah Light and Traction Company, The Western Colorado Power Company, File No. 70-646; and Electric Power & Light Corporation, Utah Power & Light Company, Utah Light and Traction Company, The Western Colorado Power Company, Respondents; File No. 59-63.

Utah Power & Light Company, a registered holding company, and its subsidiaries Utah Light and Traction Company and The Western Colorado Power Company having filed a joint application and declaration with amendments thereto under sections 6, 7 and 12 of the Public Utility Holding Company Act of 1935 relating to the issuance and sale of \$42,000,000 of bonds by Utah Power & Light Company, a capital contribution of \$1,500,000 and an advance of approximately \$11,815,000 by Utah Power & Light Company to Utah Light and Traction Company, a capital contribution of \$870,000 and an advance of approximately \$3,884,000 by Utah Power & Light Company to The Western Colorado Power Company; and the Commission thereafter having instituted proceedings under sections 11 (b) (2), 15 (f) and 20 (a) of the act naming as parties respondent the aforesaid companies and Electric Power & Light Corporation, the parent of Utah Power & Light Company, in which it raised issues, *inter alia*, as to the existence of substantial write-ups in the property and investment accounts of the parties respondent, the existence of unfair and inequitable distribution of voting power among their various classes of securities and security holders and the steps to be taken to cure such inequities; and these proceedings by order having been consolidated with the proceedings on the aforesaid joint application and declaration; and

The Commission having issued a notice of filing and order for hearing on said consolidated proceedings, public hearings having been held, the Commission having considered the record in this matter and having made and filed its findings and opinion herein,

It is hereby ordered, Pursuant to sections 15 (f) and 20 (a) of the Public Utility Holding Company Act of 1935 that Utah Power & Light Company, Utah Light and Traction Company and The Western Colorado Power Company shall make upon their respective books of account such of the following adjustments as shall pertain to each of such respective companies:

(1) Utah Company, by a charge to earned surplus, shall dispose of the \$26,434,849.25 admitted inflationary items presently included in its property accounts;

(2) Utah Company, by a charge to earned surplus, shall create a reserve of \$1,025,882.93 which shall be available for the elimination of such portion of the Phoenix Utility Company fees as may be directed to be eliminated from its property accounts;

(3) Utah Company, by a charge to earned surplus, shall create a reserve of \$772,000.00 which shall be available for the elimination of such additional inflationary items as may be directed to be eliminated from its property accounts;

(4) Utah Company, by a charge to earned surplus, shall create a reserve of \$268,535.98 against which there shall be charged discount on Capital Stock in the amount of \$81,390.00 and Capital Stock Expense in the amount of \$187,145.98 when Utah Company shall comply with our order herein to recapitalize on a one-stock basis;

(5) Traction Company, by a charge to earned surplus, shall dispose of \$1,916,077.32 of admitted inflationary items presently included in its property accounts;

(6) Colorado Company, by a charge to earned surplus, shall dispose of \$4,166,586.52 of admitted inflationary items presently included in its property accounts;

(7) Colorado Company, by a charge to earned surplus, shall create a reserve of \$220,000.00 which shall be available for the elimination of such additional inflationary items as may be directed to be eliminated from its property accounts.

It is further ordered, That said application be, and hereby is, granted, and said declaration, subject to Commission approval by further order with respect to the terms of the bond financing which shall be determined by competitive bidding, be and hereby is, permitted to become effective forthwith, all subject to the terms and conditions contained in Rule U-24 and subject to the further condition that prior to the issuance and sale of the proposed bonds there shall be made upon the books of account of the Utah Power & Light Company, Utah Light and Traction Company and The Western Colorado Power Company, the respective adjustments immediately hereinbefore ordered to be made in subparagraphs (1), (2), (3), (4), (5), (6) and (7) above.

It is further ordered, That the ten-day period for inviting bids, as provided by Rule U-50 (b), be shortened to a period of not less than eight days.

It is further ordered, That jurisdiction be, and hereby is, reserved over all fees, commissions or other remunerations to

be paid in connection with the said joint application and declaration.

It is further ordered, Pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935 and in accordance with the findings and opinion herein, that Electric Power & Light Corporation and Utah Power & Light Company shall effect a change in the present capitalization of Utah Power & Light Company to one class of stock, namely, common stock, in an appropriate manner, not in contravention of the applicable provisions of said act, or the rules, regulations and orders promulgated thereunder;

It is further ordered, That Utah Power & Light Company and The Western Colorado Power Company shall take the following steps pursuant to section 11 (b) (2) of the act and in accordance with the findings and opinion herein, in order to ensure an equitable distribution of voting power in The Western Colorado Company:

(1) Utah Power & Light Company shall, in the manner herein set out, make to The Western Colorado Power Company the following capital contributions:

(a) A capital contribution of \$300,000, by cancellation of such amount of a 6% Income Demand Note of The Western Colorado Power Company dated December 31, 1934 presently owned by the Utah Power & Light Company; and

(b) A capital contribution of \$2,059,203 by cancellation of such amount of open account indebtedness now due the Utah Power & Light Company by The Western Colorado Power Company or which shall hereafter become due the Utah Power & Light Company by The Western Colorado Power Company when the transactions, the subject matter of the application and declaration herein, have been consummated; and

(c) A capital contribution of \$2,000,000 stated value of the capital stock of The Western Colorado Power Company by the surrender to said company of 20,000 shares of such capital stock now owned by Utah Power & Light Company; and

(2) The Western Colorado Power Company shall accept the capital contributions immediately hereinabove ordered to be made to it by Utah Power & Light Company and shall thereupon cancel the 20,000 shares of its capital stock so surrendered to its and shall cause its remaining outstanding capital stock to be changed from a stated value of \$3,500,000 to an aggregate par value of not more than \$1,500,000.

It is further ordered, That jurisdiction be, and hereby is, reserved to require Electric Power & Light Corporation, Utah Power & Light Company and Utah Light and Traction Company to take such further steps or action with respect to the two last-named companies pursuant to sections 11 (b) (2), 12 (c), 15 (f) and 20 (a) as may hereafter be deemed to be necessary or appropriate. By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-19228; Filed, December 1, 1943;
2:59 p. m.]

[File No. 70-765]

CITIES SERVICE POWER & LIGHT CO.
ORDER GRANTING EXTENSION OF TIME TO
REACQUIRE DEBENTURES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 30th day of November 1943.

Cities Service Power & Light Company, a registered holding company, having filed a declaration, pursuant to section 12 (c) of the Public Utility Holding Company Act of 1935 and Rule U-42 promulgated thereunder, requesting authority to expend in its discretion (over and above the amounts presently permitted by rules under the act) not more than \$1,000,000 to purchase in the open market its outstanding 5½% debentures due in 1949 and 1952; and

Said declaration having been permitted to become effective by order of this Commission dated September 1, 1943, subject to a condition, among others, limiting the time for making such purchases to the three-month period next following September 1, 1943, without prejudice, however, to the right of declarant to apply for an extension of such period; and

Cities Service Power & Light Company having reported the expenditure of \$700,105.63 to November 15, 1943, for the reacquisition of \$704,000 principal amount of its 5½% debentures, and having applied for an extension of time for the expenditure to the balance of \$299,894.37, requesting that such time be extended for a period of three months from and after the entry of an order on said application; and

The Commission finding that under all the circumstances an extension of time may appropriately be granted, pursuant to section 12 (c) of the act and Rule U-42 promulgated thereunder, limited however to a period of thirty days, but without prejudice to the right of Cities Service Power & Light Company to apply for a further extension of such period;

It is ordered, That the time within which purchases may be made pursuant to the order of this Commission herein dated September 1, 1943, be and it is hereby extended to include the thirty-day period next following the date of this order herein, without prejudice, however, to the right of Cities Service Power & Light Company to apply for a further extension of such period.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-19229; Filed, December 1, 1943;
2:59 p. m.]

[File No. 70-794]

CENTRAL POWER AND LIGHT CO.
SUPPLEMENTAL ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 30th day of November, 1943.

Central Power and Light Company, a subsidiary of Central and South West Utilities Company and an indirect subsidiary of The Middle West Corporation, both registered holding companies, having filed a declaration, and amendments thereto, pursuant to section 7 of the Public Utility Holding Company Act of 1935 regarding the issue and sale, in accordance with Rule U-50 promulgated under the act, of \$25,000,000 principal amount of First Mortgage Bonds, Series A, dated November 1, 1943, and maturing November 1, 1973; and

The Commission having by order dated November 22, 1943, permitted such declaration as amended to become effective, subject to the provisions that applicant report to the Commission the results of the competitive bidding as required by Rule U-50 (c) and comply with such supplemental orders as the Commission may enter in view of the facts disclosed thereby; and

Central Power and Light Company having made such report to the Commission in the form of a further amendment to the application herein, setting forth the action taken to comply with Rule U-50 and specifying the proposals which have been received for the purchase of said bonds pursuant to the invitation for competitive bids and stating that Central Power and Light Company has accepted a bid for said bonds from a group of underwriters headed by Halsey, Stuart & Co. of 98.269, plus accrued interest from November 1, 1943, to the date of delivery, such bonds to bear interest at the rate of 3½%, and that said bonds are to be resold to the public at 99.50, plus accrued interest from November 1, 1943, to the date of delivery, representing a spread to the underwriters of 1.23; and

The Commission having examined the record and finding no basis for imposing terms and conditions with respect to the price, spread and distribution thereof, at which such bonds are to be issued and sold;

It is ordered, That said application, as amended, be and hereby is granted forthwith, subject to the terms and conditions contained in the said order of the Commission in this matter dated November 22, 1943.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-19230; Filed, December 1, 1943;
2:59 p. m.]

[File No. 70-820]

**CAPE AND VINEYARD ELECTRIC CO. AND NEW
ENGLAND GAS AND ELECTRIC ASSOCIATION**
NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 30th day of November 1943.

Notice is hereby given that a joint application has been filed with this Commission pursuant to sections 6 (b) and 10 of the Public Utility Holding Company Act of 1935, by New England Gas and Electric Association, a registered holding

company, and its wholly-controlled subsidiary, Cape & Vineyard Electric Company; and

Notice is further given that any interested person may, not later than December 13, 1943, at 5:30 p. m., e. w. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such application, as filed or as amended, may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said application which is on file in the offices of said Commission, for a statement of the transaction therein proposed, which is summarized below:

Cape & Vineyard Electric Company proposes to issue and sell to New England Gas and Electric Association 3,000 shares of common stock (of the par value of \$25 per share) for the cash consideration of \$50 per share, to aggregate \$150,000. The proceeds from the issuance and sale of this stock are to be used for the purpose of paying Cape & Vineyard Electric Company's indebtedness in the sum of \$150,000, represented by its 3% interest bearing note payable to the First National Bank of Boston. The proposed issuance of securities has been approved by the Department of Public Utilities of Massachusetts.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-19231; Filed, December 1, 1943;
3:00 p. m.]

[File Nos. 54-65, 59-6]

THE UNITED GAS IMPROVEMENT CO., ET AL.
NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 30th day of November 1943.

In the matter of the United Gas Improvement Company, applicant, File No. 54-65, and the United Gas Improvement Company and Subsidiary Companies, respondents, File No. 59-6.

Notice is hereby given that The United Gas Improvement Company (U. G. I.), a registered holding company and a subsidiary of The United Corporation, also a registered holding company, has filed an application in the above consolidated proceeding, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, for approval of a supplemental plan for the divestment of substantially all of its holdings of securities of its subsidiary, Delaware Power and Light Company (Delaware Power), and for the taking of other related action; such plan being supplemental to an original plan

heretofore approved by the Commission (see Holding Company Act Release No. 4173).

All interested persons are referred to said document, which is on file in the office of the Commission, for a full statement of the action therein proposed, which may be summarized as follows:

U.G.I. proposes to distribute to its stockholders, as a partial distribution of capital, 1,162,600 shares of the common stock of Delaware Power in the ratio of one share of Delaware Power stock for each 20 shares of the capital stock of U.G.I. No fractional shares are to be issued, but in lieu thereof U. G. I. proposes to distribute cash based on the average market value (on a when distributed basis) of Delaware Power stock as traded on the Philadelphia Stock Exchange, for the period March 27, 1944 to March 31, 1944, both inclusive.

The distribution is to be made to stockholders of record as of a date to be fixed by the board of directors of U. G. I. as soon as practicable (after the effective date of the supplemental plan) without the surrender of the stock certificates of U. G. I. Subject to appropriate corporate proceedings, the stated capital applicable to the capital stock of U. G. I. is to be reduced in the amount of \$16,463,014, without changing the number of authorized or issued shares outstanding. Contingent and other liabilities and obligations of U. G. I. are not to be discharged by the plan, but the proposed distribution is to be made free and clear of any and all claims and demands of creditors.

The plan is to be declared effective by the board of directors of U. G. I. within 90 days after the entry by the Commission of an order of approval, but consummation thereof is contingent upon a favorable vote of a majority of the outstanding shares of the capital stock of U. G. I.

The Commission being required by the provisions of section 11 (e) of said act, before approving any plan thereunder, to find, after notice and opportunity for hearing, that such plan, as submitted or as modified, is necessary to effectuate the provisions of section 11 (b) and is fair and equitable to the persons affected by such plan; and

It appearing to the Commission that it is appropriate, in the public interest and in the interests of investors and consumers, that a hearing be held with respect to such plan:

It is ordered, That a hearing on such matter, under the applicable provisions of said act and the rules promulgated thereunder, be held on December 14, 1943 at 10 a. m. at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such date the hearing-room clerk in Room 318 will advise as to the room in which said hearing will be held.

It is further ordered, That Willis E. Monty, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under section 18 (c) of said act and to a trial

examiner under the Commission's Rules of Practice.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing a copy of this order by registered mail to the above-captioned parties as well as to all other parties and persons previously granted the right to be heard and participate in the above-entitled proceeding; and that notice of said hearing is hereby given to all security holders of U. G. I. and its subsidiaries, to all States, municipalities, or political subdivisions of States in which are located any of the utility assets of the holding company system of U. G. I. or under the laws of which any of said subsidiary companies are incorporated; to all State Commissions, State Security Commissions and all agencies, authorities or instrumentalities of one or more states, and to all other interested persons, such notice to be given by a general release by the Commission, distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935 and by publication of this order in the FEDERAL REGISTER.

It is further ordered, That any person desiring to be heard, or otherwise to participate in these proceedings, shall, on or before the 10th day of December, 1943, file a written application with the Secretary of the Commission, in accordance with the provisions of Rule XVII of the Commission's Rules of Practice.

It is further ordered, That, without limiting the scope of the issues presented in the consolidated proceeding, particular attention will be directed at the hearing to the following matters and questions:

1. Whether the proposed supplemental plan is necessary to effectuate the provisions of section 11 (b) of said act and is fair and equitable to the persons affected thereby;
2. Whether the fees, expenses and other considerations to be paid or received, directly or indirectly, in connection with the proposed plan and the transactions incidental thereto are for necessary services or purposes, reasonable in amount, and properly allocated;
3. Whether the transactions involved comply with all the requirements of the applicable provisions of the act and rules promulgated thereunder;
4. Generally, whether any of the proposed transactions are detrimental to the public interest or the interests of investors or consumers or will tend to circumvent the provisions of the act or any rules, regulations or orders of the Commission thereunder;
5. Whether, and, if so, to what extent, the proposed supplemental plan should be modified or terms and conditions imposed to assure adequate protection of the interests of investors, consumers and the public interest and compliance with all applicable requirements of the act.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-19286; Filed, December 2, 1943; 11:01 a. m.]

[File Nos. 43-156, 56-4, 32-94, 46-102]

NORTHERN STATES POWER CO., ET AL.

ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 30th day of November 1943.

In the matter of Northern States Power Company (Delaware), File Nos. 43-156 and 56-4, Northern States Power Company, Wisconsin, File No. 32-94 and Northern States Power Company (Minnesota), File No. 46-102.

The Commission having entered an order on December 27, 1938 in the above styled and numbered proceeding which provided in part as follows:

It is ordered * * *

(b) That Standard Gas and Electric Company, a Delaware corporation, forthwith execute (with the blanks appropriately filled) an agreement to be entered into between said corporation and Wilmington Trust Company of Wilmington, Delaware, in the form of the agreement heretofore submitted to this Commission and made a part of the record in these proceedings, and deposit thereunder all shares of the Class B common stock of Northern States Power Company, a Delaware corporation, owned by said Standard Gas and Electric Company; * * *

(d) That a statement to the effect that these conditions have been complied with, together with a copy of the agreement above referred to, as executed, be filed with the Commission on or before January 10, 1939.

It is further ordered, That all the outstanding shares of Class B common stock of Northern States Power Company, a Delaware corporation, shall be cancelled not later than January 1, 1944, and, for the purpose of facilitating such cancellation all certificates for said shares of Class B common stock shall be surrendered to said corporation not later than January 1, 1944 for cancellation, unless on or prior to said date this Commission shall have entered an order finding that during any period of twelve consecutive calendar months ending after January 1, 1939, and prior to January 1, 1944, the consolidated net income of the Delaware Company and its subsidiaries available for dividends after provision for fair and reasonable depreciation shall have exceeded the sum of (a) the dividend requirements for such period and dividends in arrears at the end of such period on any stock of the Company and of any of its subsidiaries entitled to a preference in the distribution of earnings (other than stock owned by the Company or any of its subsidiaries) and (b) the net income applicable to minority interests in the common stocks of its subsidiaries.

It is further ordered, That for the purposes of said plan and in accordance with the application, as amended, filed herein by Northern States Power Company, a Delaware corporation, Standard Gas and Electric Company forthwith execute the agreement referred to in clause (b) of the second preceding paragraph of this order and deposit thereunder the shares of Class B common stock of Northern States Power Company, a Delaware corporation, referred to in said clause (b).

and the Northern States Power Company (Delaware) having filed a plan for its liquidation pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 (File No. 54-54) which provides in part that the Class B common stock shall participate in the liquidation of that company to the extent of receiving 1.43% of the common stock of Northern States Power Company (Min-

nesota), the proceedings on which are still pending; and

The Standard Gas and Electric Company, the owner of substantially all of the aforesaid Class B common stock, having filed an application requesting in the alternative that the Commission (a) find that the provisions and restrictions of the order of December 27, 1938 have been satisfied and fulfilled; or (b) extend the time when cancellation of said stock might be required from January 1, 1944, to such later date as seems proper (1) if it appears that the finding requested in (a) cannot be made before January 1, 1944, or (2) if the Commission determines that such stock should not be released pending the termination of the proceedings on the liquidation plan of Northern States Power Company (Delaware); and

It appearing to the Commission that the right of the Class B common stock to participate in the liquidation of Northern States Power Company (Delaware), is one of the issues involved in a determination of whether said plan is fair and equitable to the persons affected thereby, and that the Commission's decision on that issue will necessitate consideration of whether the provisions and restrictions in the order of December 27, 1938, have been satisfied; and

It further appearing to the Commission that its findings and opinion and order approving or disapproving, in whole or in part, the liquidation plan of Northern States Power Company (Delaware) may not be entered prior to January 1, 1944, and that the Class B common should remain in status quo until the determination of the issues involved in the disposition of said plan;

It is ordered, That the time prescribed in the order of the Commission dated December 27, 1938, within which the finding must be made with respect to whether the provisions and restrictions pertaining to the Class B common stock of Northern States Power Company (Delaware) have been satisfied and fulfilled, be postponed until the issuance of the findings and opinion and order approving or disapproving, in whole or in part, the liquidation plan filed by Northern States Power Company (Delaware), et al., (File No. 54-54) or until the further order of the Commission; *Provided, however*, That nothing contained in this order shall be construed as an extension of the period specified in the order of December 27, 1938, during which the consolidated net income of Northern States Power Company (Delaware) and its subsidiaries must have exceeded the sum designated therein;

It is further ordered, That the request of Standard Gas and Electric Company that the Commission make a finding at this time that the provisions and restrictions contained in the order of December 27, 1938, with respect to said Class B common stock have been fulfilled and satisfied be, and same hereby is, denied.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-19287; Filed, December 2, 1943; 11:01 a. m.]

[File No. 70-812]

**CONSOLIDATED ELECTRIC AND GAS CO. AND
CENTRAL ILLINOIS ELECTRIC AND GAS CO.**

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 30th day of November, A. D. 1943.

Notice is hereby given that applications or declarations or both have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("the act") by Consolidated Electric and Gas Company ("Consolidated"), a registered holding company, and its subsidiary, Central Illinois Electric and Gas Co. ("Central Illinois"). All interested persons are referred to the said document, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which may be summarized as follows:

Consolidated is the owner of all the outstanding capital stock of Central Illinois, such stock consisting of 74,242 shares of common stock without par value and having a stated value of \$6,310,570. It is proposed that such stock shall be reclassified into 400,000 shares of common stock of the par value of \$15 per share, or an aggregate par value of \$6,000,000, and that, as so reclassified, said stock shall be sold by Consolidated to the public through underwriters.

In connection with such proposed sale of stock, exemption from the competitive bidding requirements of Rule U-50 of this Commission is requested.

The common stock of Central Illinois, so owned by Consolidated, is presently pledged under a Collateral Deposit Agreement securing a promissory note of Consolidated payable to Federated Utilities, Inc. (later merged with Consolidated), which note, in turn, is pledged under an indenture ("Federated indenture") securing certain bonds known as Federated Utilities, Inc. First Lien Collateral Trust 5½% Gold Bonds, due March 1, 1957 ("Federated bonds"), which bonds have heretofore been assumed by Consolidated. It is proposed that the proceeds of the sale of the stock of Central Illinois shall successively, first, be applied in partial payment of the promissory note to secure which such stock is presently directly pledged, secondly, be then deposited with the trustee under the Federated indenture, Harris Trust and Savings Bank of Chicago, Illinois, in accordance with the terms of said indenture, thirdly, be applied to the amount necessary for such purpose in the retirement of all of said outstanding Federated bonds, and, fourthly, to the extent not so expended, be applied in the retirement of other bonds of Consolidated as hereinafter set forth. It is stated that the proceeds from the sale of said stock will exceed the principal amount of the Federal bonds outstanding. The applicants, or declarants, assert that the proposed transactions are proposed as steps in compliance with the requirements of section 11 of the act and that the retirement of Federated bonds,

as contemplated, will not constitute a voluntary or optional redemption of such bonds within the meaning of the indenture securing the same, and, for this reason, request an order of this Commission to the effect that the obligations evidenced by the Federated bonds shall be discharged and the lien of the Federated indenture shall be satisfied by payment in cash of the principal amount of said bonds plus accrued interest thereon to the date of redemption without the payment of any redemption premium thereon.

It is stated that, subsequent to the satisfaction of the lien of the Federated indenture and in accordance with the indenture securing the Collateral Trust Gold Bonds of Consolidated ("Consolidated Bonds"), the portion of the cash proceeds of the sale of the common stock of Central Illinois as shall not have been expended in the retirement of the Federated bonds and any other remaining collateral securing such Federated bonds will be deposited with the Trustee under the indenture securing said Consolidated Bonds, Central Illinois National Bank and Trust Company of Chicago. Consolidated proposes to expend in the purchase of Consolidated bonds, on the open market through brokers, an amount equivalent to the portion of the proceeds of said sale of common stock of Central Illinois Electric and Gas Co. so to be deposited with the trustee under the indenture securing said Consolidated bonds, to surrender the bonds so purchased to the trustee for cancellation, and to be then reimbursed by said trustee from said sale proceeds as provided in said indenture.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matters and that said application and declaration shall not be granted except pursuant to further order of this Commission;

It is ordered, That a hearing on said matters under the applicable provisions of said act and rules of the Commission thereunder be held on December 14, 1943, at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room in which the hearing will be held.

It is further ordered, That any person desiring to be heard or otherwise to participate in the proceedings, shall file with the Secretary of the Commission on or before December 10, 1943 his application therefor, as provided by Rule XVII of the Rules of Practice of the Commission.

It is further ordered, That Henry C. Lank or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That the Secretary of this Commission shall serve notice of the aforesaid hearing by mailing a copy of this order to Consolidated Electric and Gas Company, Central Illinois Electric and Gas Co., Harris Trust and Savings Bank, Continental Illinois National Bank and Trust Company of Chicago, and the Illinois Commerce Commission by registered mail; and that notice of said hearing be given to all other persons by publication of this order in the FEDERAL REGISTER;

It is further ordered, That without limiting the scope of the issues presented by said application and declaration, particular attention shall be directed at said hearing to the following matters and questions:

(1) Whether the proposed reclassification by Central Illinois Electric and Gas Co. of its presently outstanding common stock without par value, but with a stated value of \$6,310,570, into new common stock of the par value of \$15 per share, and the aggregate par value of \$6,000,000, meets the applicable requirements of the act and the rules and regulations of this Commission promulgated thereunder;

(2) Whether the proposed sale by Consolidated of the common stock of Central Illinois, as proposed to be reclassified, meets the requirements of section 12 (d) of said act and the rules and regulations of this Commission promulgated thereunder, and particularly whether the consideration to be received for such stock will be adequate, competitive conditions will be maintained, and any fees or commissions to be paid in connection with such sale will not be unreasonable;

(3) Whether exemption should be granted from the competitive bidding requirements of Rule U-50 of this Commission in connection with the proposed sale of the common stock of Central Illinois Electric and Gas Co.;

(4) Whether the proposed transactions are necessary to effectuate the provisions of section 11 (b) of said act and are fair and equitable to all persons affected thereby, and, particularly, whether the proposal that the indebtedness represented by the Federated bonds be satisfied by payment of the principal amount thereof with accrued interest to the date of payment, but without payment of any redemption premium thereon is necessary to effectuate the provision of said section 11 (b) and is fair and equitable to the holders of the said bonds and to all other persons affected thereby;

(5) Whether the proposed use of the proceeds of the contemplated sale of the common stock of Central Illinois in the retirement of the Federated bonds and in the acquisition and partial retirement of the Consolidated bonds meets the requirements of section 12 (c) of the act, and the rules and regulations of this Commission promulgated pursuant thereto, and is fair and equitable to all persons affected thereby, and, especially, whether the proposal of Consolidated Electric and Gas Company that said Consolidated bonds, so to be acquired and retired, be acquired through purchases thereof in the open market, through brokers, is fair and equitable to the hold-

ers of said bonds and to the holders of other securities of said Consolidated Electric and Gas Company;

(6) Whether the accounting entries proposed to be made in connection with the proposed transactions are in accordance with sound accounting principles and are otherwise appropriate;

(7) Whether, if the proposed transactions, or any of them, are authorized, it is necessary or appropriate that terms or conditions be imposed in the public interest or for the protection of investors or consumers in connection with such authorization;

(8) Generally, whether, in any respect, the proposed transactions are detrimental to the public interest or to the interest of investors or consumers or will tend to circumvent any provisions of the act or of any rules, regulations, or orders of this Commission promulgated thereunder.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-19288; Filed, December 2, 1943;
11:01 a. m.]

[File No. 70-796]

CITIES SERVICE POWER & LIGHT CO. AND
DURHAM PUBLIC SERVICE CO.

SUPPLEMENTAL ORDER

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 30th day of November 1943.

The Commission on August 17, 1943, pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935, having ordered that Cities Service Power & Light Company, a registered holding company, should, among other things, dispose of its interests in its subsidiary, Durham Public Service Company; and

Cities Service Power & Light Company and Durham Public Service Company, having filed a joint declaration and amendments thereto pursuant to said act, proposing by way of partial compliance with said order:

1. The sale to Duke Power Company by Durham Public Service Company of:

(a) Its fixed properties for a basic cash consideration of \$2,952,000 as of November 30, 1942, subject to adjustments on account of any additions, retirements and depreciation accruing after November 30, 1942 and prior to the date of the consummation of the sale, said fixed properties being more completely specified, itemized and described in Paragraph 1 of the agreement of March 16, 1943 between said companies, a copy of said agreement having been filed as Exhibit A-1 with the Declaration filed with the Securities and Exchange Commission on September 28, 1943;

(b) Certain current assets and the assumption by Duke Power Company of certain liabilities as of the date of the consummation of the sale of the fixed properties as provided in Paragraph 8 of said agreement of March 16, 1943;

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2. The application by Durham Public Service Company of the proceeds of such sales, together with other cash on hand at the date of sale, as follows:

(a) To the payment, at 101¼% of the principal amount thereof plus accrued interest to the date fixed for payment, of \$1,152,500 principal amount of its Refunding Mortgage Gold Bonds, Series "A", 7% due 1949, held by public investors and to the payment at the principal amount thereof plus accrued interest to the date fixed for payment of \$97,500 principal amount of such bonds owned by Cities Service Power & Light Company.

(b) To the payment, at the principal amount thereof plus accrued interest to the date fixed for payment, of \$476,100 principal amount of its Refunding Mortgage Gold Bonds, Series "B", 5% due 1956, owned by Cities Service Power & Light Company.

(c) To the payment, at 102% of par (\$100) plus accrued dividends to the date fixed for payment, of 2,132 shares of its 6% Cumulative Preferred Stock held by public investors and to the payment at par of 1,868 of such shares owned by Cities Service Power & Light Company.

(d) To the payment of its other net liabilities, including expenses, estimated as at the date of closing at approximately \$363,750.

(e) The balance to be distributed in complete liquidation of all outstanding common stock (7,000 shares) of Durham Public Service Company owned by Cities Service Power & Light Company.

A public hearing having been held after appropriate notice, the Commission having considered the record in this matter, and having made and filed its findings and opinion herein:

It is ordered and found, That the sale by Durham Public Service Company of its fixed properties and current assets described above for the amounts stated above, and the application of the proceeds of sale of said properties and current assets together with other cash on hand at the date of sale of said properties and current assets, to the retirement or cancellation of the bonds, preferred stocks and other liabilities of Durham Public Service Company as hereinabove specified and itemized, and the distribution of the remaining balance in complete liquidation to Cities Service Power & Light Company as the holder of all of the issued and outstanding common stock of Durham Public Service Company, and the surrender by Cities Service Power & Light Company for retirement of said stock, and the dissolution of Durham Public Service Company, are necessary or appropriate to the integration or simplification of the Cities Service Company holding company system, of which Durham Public Service Company and Cities Service Power & Light Company are members, and are necessary and appropriate to effectuate the provisions of section 11 (b) of the Public Utility Hold-

ing Company Act of 1935, and are fair and equitable to the persons interested.

It is further ordered, That said transactions as proposed in said declaration, as amended, are authorized and directed to comply with the Commission's Order of August 17, 1943, and said declaration is permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24, and further provided that jurisdiction is reserved with respect to the accounting entries to be made by Cities Service Power & Light Company in recording the proposed transactions.

It is further ordered, That said sales and the application as herein ordered of the proceeds of sale, together with other cash on hand at the date of sale, shall be completed not later than April 1, 1944.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-19289; Filed, December 2, 1943;
11:02 a. m.]

[File No. 1-123]

BROWN-FORMAN DISTILLERS CORPORATION

ORDER SETTING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 1st day of December, A.D. 1943.

The New York Curb Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the \$6.00 Cumulative Preferred Stock, No Par Value, of Brown-Forman Distillers Corporation;

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard:

It is ordered, That the matter be set down for hearing at 10:00 a. m. on Wednesday, December 15, 1943, at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Robert P. Reeder, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL]

ORVAL DuBOIS,
Secretary.

[F. R. Doc. 43-19290; Filed, December 2, 1943;
11:02 a. m.]

SELECTIVE SERVICE SYSTEM.

[Camp Order 126]

BELTSVILLE RESEARCH PROJECT, MD.

CONSCIENTIOUS OBJECTORS' ESTABLISHMENTS

I, Lewis B. Hershey, Director of Selective Service, by virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301-318, inclusive); E.O. No. 8675, 6 F.R. 831, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission under Administrative Order No. 26, 7 F.R. 10512, hereby designate the Beltsville Research Project to be work of national importance. Said project, located at Beltsville, Prince Georges County, Maryland, will be the base of operations for dairy and other research work in the State of Maryland, and registrants under the Selective Training and Service Act, who have been classified by their local boards as conscientious objectors to both combatant and noncombatant military service and have been placed in Class IV-E, may be assigned to said project in lieu of their induction for military service.

The men assigned to said Beltsville Research Project will perform duties consisting of dairying and work in the dairy research laboratory as well as other research projects undertaken in connection with the Agricultural Research Center and shall be under the technical direction of the Dairy Experiment Station, Bureau of Dairy Industry, Department of Agriculture. The camp, insofar as camp management is concerned, will be under the same organization. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Training and Service Act and regulations and orders promulgated thereunder. Administrative and directive control shall be under the Selective Service System through the Camp Operations Division of National Selective Service Headquarters.

LEWIS B. HERSHEY,
Director.

NOVEMBER 29, 1943.

[F. R. Doc. 43-19232; Filed, December 1, 1943;
3:34 p. m.]

[Camp Order No. 127]

AMERICAN FORK PROJECT, UTAH

CONSCIENTIOUS OBJECTORS' ESTABLISHMENTS

I, Lewis B. Hershey, Director of Selective Service, in accordance with the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301-318, inclusive); E.O. No. 8675, 6 F.R. 831, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission under Administrative Order No. 26, 7 F.R. 10512, hereby designate the American Fork Project to be work of national importance, to be known as Civilian Public Service Camp No. 127. Said project, located at American Fork, Utah County, Utah, will be the base of operations for work at the Utah State Training School, an institution under the State mental hospital system of Utah, and registrants under the Selective Training and Service Act of 1940, who have been classified by their local boards as conscientious objectors to both combatant and noncombatant military service and have been placed in Class IV-E, may be assigned to said project in lieu of their induction for military service.

Men assigned to said American Fork Project will be engaged in clerical work, as attendants, waiters, farm hands, etc., and shall be under the direction of the Superintendent, Utah State Training School, as well as will be the project management. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Training and Service Act of 1940 and regulations

and orders promulgated thereunder, as well as the regulations of the Utah State Training School. Administrative and directive control shall be under the Selective Service System through the Camp Operations Division of National Selective Service Headquarters.

LEWIS B. HERSHEY,
Director.

NOVEMBER 30, 1943.

[F. R. Doc. 43-19233; Filed, December 1, 1943;
3:34 p. m.]

WAR PRODUCTION BOARD.

NOTICE TO BUILDERS AND SUPPLIERS OF
ISSUANCE OF REVOCATION ORDERS
REVOKING AND STOPPING CONSTRUCTION OF
CERTAIN PROJECTS

The War Production Board has issued certain revocation orders listed in Schedule A below, revoking preference rating orders issued in connection with, and stopping the construction of the projects affected. For the effect of each such order upon preference ratings, construction of the project and delivery of materials therefor, the builder and suppliers affected shall refer to the specific order issued to the builder.

(Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 8 F.R. 329; E.O. 9125, 7 F.R. 2719; WPB Reg. 1 as amended March 24, 1943, 8 F.R. 3666; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727)

Issued December 1, 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

Preference rating order	Serial No.	Name and address of builder	Location of project	Issuance date
P-19-h.....	27518	Federal Works Agency, Washington, D. C.	Project City, Calif.....	11/13/43
P-19-e.....	78716	Public Roads Administration, Portland, Ore.	Between Neah Bay and Cape Flattery, Wash.	11/18/43
P-19-e.....	91885	Public Roads Administration, Portland, Ore.	Cape Flattery Military Reservation, Wash.	11/18/43

[F. R. Doc. 43-19212; Filed, December 1, 1943; 10:23 a. m.]